

Printed by Abinash Chandra Sarkar at the  
CLASSIC PRESS, 21, Patuatola Lane  
and published by N. N. Mitra,  
79/25D, Lower Circular Road, Calcutta.

Issued  
from 1919]

THE INDIAN

[16th Year  
of Issue

# ANNUAL REGISTER

An Annual Digest of Public Affairs of India

Recording the Nation's Activities each year in matters Political,  
Economic, Industrial, Educational, Social Etc

BEING ISSUED IN 2 SIX-MONTHLY VOLUMES.



Volume I ] Jan.-June 1933 [Volume

Editor:—Nripendra Nath Mitra.

ANNUAL SUBSCRIPTION PAYABLE IN ADVANCE Rs. 12 ONLY.  
VOLUMES: CLOTH BOUND Rs. 7 EACH POSTAGE EXTRA.  
FOREIGN SUBSCRIPTION PAYABLE IN ADVANCE Rs. 15 ONLY.

PUBLISHED BY  
THE ANNUAL REGISTER OFFICE

79-25-D, LOWER CIRCULAR ROAD, CALCUTTA.





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JANUARY—JUNE 1933

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# THE INDIAN ANNUAL REGISTER

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**INDIA IN HOME POLITY**

**JANUARY—JUNE 1933**





# CHRONICLE OF EVENTS

JANUARY 1933

**1st. Indian R. T. C. Delegates' stock-taking :—**Sir T. B. Saprú, interviewed regarding the results of the Round Table Conference, stated that the picture was still incomplete but that he was certain that Sir Samuel Hoare was in earnest about Federation and that it was not likely that Provincial Autonomy would be introduced without central responsibility. He disagreed with Government's proposals regarding defence and reservations of powers to the Governor-General concerning credit and financial stability. He concluded by saying that the chapter of negotiation for further consideration did not appear to be closed.—Sir Mirza Ismail thought Government's attitude to be distinctly progressive.—Mr. Liaqat Hyat Khan was completely satisfied.—Mr. Zafarullah Khan said that the picture of an All-India Federation was now assuming a definite shape.—Mr. Ghuznavi complimented the Muslim delegation on its team work. Mr. Kelkar thought that more had been secured than seemed likely when he left India. He disagreed with the various reservations. Mr. Kelkar was prepared for Congress disapproval but did not regret joining the Conference.—Sir A. P. Patro felt satisfied with the spirit that actuated the Conference.—Mr. A. Ramaswami Mudaliar thought that all parties might congratulate themselves on the degree of success achieved.

*British Press on R. T. C Results :—*"The time for action has come" said the "*Daily Herald*". The Government proposals are bold in essentials and if the pledges given to India are honestly and courageously fulfilled then no squabbling over detail need arouse any apprehension. The third session of the Round Table Conference, added the paper, despite official assurances, had closed leaving even Indian Moderates doubtful and dismayed.—The "*News Chronicle*" said that the dull and rather laborious detail work has placed the good faith of the British Government beyond all reasonable doubt.—"The *Times*" said that the Conference sessions has been eminently successful. It was businesslike, conciliatory and realistic and had done much for the prestige of Indian political leadership in England.—"The *Morning Post*" characterised it as hypocrisy and asked, "with the biggest political party in India in goal and the Indian army as a reserved service, how can British Ministers pretend that they entrust India with self-government?"

**2nd. Bombay's Civil Disobedience Figures :—**An analysis of the arrests made since the inauguration of the Civil Disobedience movement following the arrest of Mahatma Gandhi on January 4, 1931, shows that 4,355 persons have been arrested in the city in connection with Congress demonstrations, and 52 'war councils' have been jailed. The largest number of arrests were in connection with gold exports. 300 volunteers were arrested in connection with picketing at gold export shops and picketing banks and the Mint. Picketing at foreign druggists' shops and foreign cloth shops accounted for the arrest of 175 and 179 respectively. The arrests in connection with the cotton market were 138 including 13 merchants. Congress activities relating to picketing at post offices, at the Secretariat, court demonstrations and the raid at the Wadala Salt pans resulted in the arrest of 200 persons. The National Gandhi Weeks between them resulted in the arrest of nearly 400 persons. Four hundred and forty-six were arrested under the Ordinance. Rs. 50,000 belonging to the Congress funds were seized from local banks by the Government. Fines were imposed almost in every case and the amounts realised so far total Rs. 1,83,000, the largest amount being paid by Mr. Bhulabhai J. Desai, ex-Advocate General who had to pay Rs. 10,000. Sj. Mulraj Kursondas Rs. 5,000 and Surji Vallabdas Rs. 1,000. In addition to the "Free Press Journal" that forfeited its security twice and has paid nearly Rs. 36,000 so far, seven other printing presses and newspapers in the city were asked to deposit security and one press was seized by the police. Excluding furniture and movable properties of convicted Congressmen seized in lieu of fines imposed, the police have also seized two motor cars, cyclostyle machines, cycles, hundreds of uniform and



cash amounting to nearly Rs. 2,000 and cartloads of Congress literature. In the first four days in January 1933 the arrests in connection with Congress activities are nearly 40.

**4th. Prof. Kripalani arrested :—**Prof. J. B. Kripalani was arrested under the Criminal Law Amendment Act and was sentenced on 13th January to five months' rigorous imprisonment at Patna, under Section 17 (1), Criminal Law Amend. Act.

*Mahatma's Moving Appeal : Solution for Guruvayur Deadlock :—*In a moving appeal to Sanatanists for improving the lot of Harijans, Mahatma Gandhi said: "I have no other end to serve than to see Sanatan Dharma revived and lived in its reality in the lives of millions who at present seem to me to deny it." Following the established precedent with but slight variation, he suggested that Harijans "should be always allowed, but only for certain hours in the day" as solution for the Guruvayur deadlock.

*"Gandhi Day" Arrests in Bombay :—*The anniversary of the incarceration of Mahatma Gandhi was observed at Ahmedabad, Bombay, Allahabad, Delhi and Jubbulpore, leading to a number of arrests by the police.—In Bombay lathis were used to disperse a large crowd. A Congress demonstration held at Chowpathy to observe the 12th Gandhi Incarceration Day culminated in 13 persons being arrested, and seven others being injured. The arrested persons included Mr. M. R. Masani, a young Parsi barrister and three members of the 52nd Emergency Council of Bombay. The din created by vociferous cheering and shouting of slogans by the demonstrators was followed by police charges on the crowds. Flourishing their lathies, police officers chased away the crowds to considerable distances, and seven persons injured during these charges were treated at the Congress Free Hospital and the Free Emergency Hospital. There were also a few cases of stone-throwing at the police by the hooligan element in the crowd. A similar demonstration held at Parel resulted in the arrest of 13 persons, bringing the total number of arrests to 26.

**5th. Communal Trouble in Alwar State :—**The situation in Alwar State is troubled owing to the agitation set up by Meos or Muslim farmers. They were reported to have attacked some towns and committed robberies. The police being helpless, the military was sent to keep the peace. Incendiarism and looting were reported to be rampant in Tanjira, Govindgarh and Ramgarh. The authorities felt some difficulty in finding adequate forces to cope with the situation. It was estimated that the rebels numbered eighty to ninety-thousand. The military were forced to open fire on a crowd of Meos in the vicinity of Govindgarh, when several thousands of Meos tried to rescue captured rebels by force. Batches of soldiers of fifteen each marched in villages in the disturbed areas restoring confidence among the people. The insurgent Meos, however, dispersed into the jungles and inaccessible hills, avoiding clashes with British forces. A small fresh contingent of cavalry and infantry subsequently arrived from Delhi and proceeded to Ramgarh. Only loyalist Meos came to the capital to record their loyalty, but the rebels, who formed the majority, held themselves out demanding the appointment of an independent committee of enquiry under the chairmanship of a British Officer.

*Alwar revolt exploited by British Diehard Press :—*The Alwar revolt was exploited by the British diehard organs as a further proof of India's unfitness for Swaraj. "The Daily Mail" particularly splashed headlines about British troops being the only barriers against a state of anarchy. Some moderate journals also wrote dubiously about the danger of communal repercussions in British India resulting from the present troubles.

**6th. Babu Rajendra Prasad arrested :—**Babu Rajendra Prasad, Acting President of the Indian National Congress, was arrested at Bankipore Jail gate where he came to watch Prof. Kripalani's trial. He was produced before the Magistrate and remanded to custody till 19th January.

*Gujert "dictator" sentenced :—*P. T. Varma, Gujerat's 59th. Congress "Dictator" was sentenced at Poona to two years' rigorous imprisonment and a fine of Rs. 150 under the Criminal Law Amendment Act. The accused on 3rd January announced in the Cantonment that there would be a meeting at Shanwar Wada, on the next day and he was arrested while reading a speech at the meeting.

- 7th. Arrest of Mr. Pyarelal :—**Mr. Pyarelal, Gandhiji's Secretary, was arrested under the Special Powers Act at "Mani Bhavan," by the Bombay C. I. D. The Chief Presidency Magistrate, Bombay, sentenced Mr. Pyarelal, and Messrs, P. R. Barucha and K. B. Barucha, Barristers, on the 12th January, to one year's rigorous imprisonment and a fine of Rs. 200 each, in default to undergo imprisonment for further period of three months, for managing the operations of an unlawful body. They were also sentenced to six months' rigorous imprisonment and to a fine of 100 each.
- 9th. Liberal Leaders' Momentous Statement on Arrival Home:—**Sir Tej Bahadur Sapru and Mr. M. R. Jayakar in a Joint statement summarised the main achievement of the R. T. Conference. They said : "Despite many moments of grave anxiety during the progress of our discussions in London and the fact that there are still loose ends to tie up, the general atmosphere as our work developed became one of increasing friendliness and mutual understanding. Even where agreement was not reached, there was obvious desire to appreciate each other's points of view. In fairness to the Secretary of State we are bound to say that he showed a keen sense of the necessity for a speedy solution of the constitutional problem and a real appreciation of Indian demand for responsibility at the centre. For this and other reasons it is that we urge that it is all the more necessary that Indian opinion should direct itself closely to concrete elements of the entire problem and our resources should be consolidated in order to enable that opinion effectively to assert itself at all subsequent stages. We do not disguise from ourselves the probability of strong opposition from certain reactionary circles in England and India, but we are confident that if our countrymen organise the full forces of public opinion upon a constructive plan for the achievement of a satisfactory and workable constitution success will be within our grasp". Sir Tej Bahadur Sapru and Mr. Jayakar briefly referred to the essential features of their scheme embodied in their memorandum in London and reiterated that neither because of the possible difficulty connected with the establishment of the Reserve Bank nor in the unlikely event of the States making any delay, should the functioning of the Responsible Government at the Centre be postponed beyond 1935. They add that although our demand that the date should be fixed in the Act of Parliament for the establishment of Federation has not been met, we do not look upon this issue as closed.
- 11th. Protest against the Poona Pact in Bengal:—**A largely attended and representative conference of Bengal Hindus was held at Calcutta, under the auspices of the British Indian Association, Sir B. B. Ghosh presiding, to protest against the Poona Pact, which the resolution *inter alia* stated was arrived at without consulting the Hindus of Bengal and without any knowledge of or consideration for the social and political conditions in the Provinces. The resolution pointed out that the number of seats reserved to the Depressed Classes was out of all proportion to the real needs of the Province. The Conference requested the Premier to cancel his acceptance of the arrangement as far as Bengal was concerned.
- 15th. Big Lucknow Round-up: 42 Congressmen arrested:—**Aminudoula Park, the heart of Lucknow City was the scene of great excitement when over 42 prominent Congress workers of these provinces were arrested in a private building while holding a special meeting of the U. P. Provincial Congress Committee convened for to-day, and which was joined by Congress 'dictators' representing all districts of U. P. The sitting commenced punctually at 3 p. m., Doctor Murarilal presiding, and adopted several resolutions. 38 Congress 'dictators' including two ladies, were in attendance. The police who got scent of the programme remained watchful throughout the day. The Congress people after completing the deliberations of meeting hoisted the national flag over the building where they had held their meeting and began addressing a gathering which had collected in large numbers. The Police thereupon rushed to the scene of the occurrence, and entered the second storey where they arrested them all.
- "Dictators" day Celebration Sequel at Calcutta:—**Fortyone persons described as dictators of District and Sub-divisional Congress Committees were arrested in connection it was stated with the celebration of "Dictators' Day." It appeared that a conference was proceeding at Mahisbathan near the Salt Lakes, seven miles off the city, to observe the day in the evening when the Sub-Divisional Magistrate,



Barasat, appeared with a pose of police, declared the assembly unlawful and effected the arrests.

**16th. The Meerut Conspiracy Case Judgment:**—Mr. Yorke, Sessions Judge delivered judgment to-day in the Meerut Conspiracy Case convicting all but three accused. All the accused were present in the Court except Kishorilal Ghosh who was lying ill in Calcutta and Thengdi who died a few months back. Elaborate police arrangements had been made and all people entering the court compound were searched. The District Magistrate, the Superintendent of Police and the Superintendent of Meerut Jail were present in court besides a few others including three local lawyers. The "communist" accused entered the court compound singing the usual workers' songs. Ladies were not allowed in the court. The Judge delivered the judgment convicting and sentencing the following persons:—Muzaffar Ahmed—transportation for life. Dange, Spratt, Ghate, Joglekar and Nimbkar—transportation for twelve years each. Bradley, Mirajkar and Usmani—transportation for ten years each. Shansingh, Joshi, Majid, and Goswami—transportation for seven years each. Ajodhya Prasad Adhikari, P. C. Joshi and Desai—transportation for five years each. Chakravarti, Basak, Hutchinson, Mittra, Jhabwala and Saigal—four years' rigorous imprisonment each. Shamsul Huda, Alve, Kasse, Gaurishankar and Kadam—three years' rigorous imprisonment each. The following persons were acquitted:—Kishorilal Ghosh, Shibnath Banerjee and B. N. Mukherjee. It will be remembered that on the complaint filed by Mr. Harton, Deputy Inspector General of Police, 32 persons had been arrested from different parts of the country on March 20, 1928. The allegations against them were that they were members of a conspiracy to deprive His Majesty the King Emperor of his sovereignty of British India within the meaning of Section 121A, I. P. C. The trial before Mr. Milner White lasted for ten months. With the exception of Dharambir Singh all the accused were committed to the Sessions and Mr. R. M. Yorke, Additional Sessions Judge took up the case in January 1930. He delivered judgment which covered about 676 closely printed foolscap pages and it was said that it took full five months to write the judgment on this case which was considered to be the biggest trial in this country. From the political and historical points of view, the Meerut trial stands unique. Its alleged association with Soviet Russia made it the cynosure of the eyes of the whole world. The enquiry and trial together covered a period of 3 years and 10 months. Its printed record covers about 10,000 pages. About 637 witnesses were examined and 3364 exhibits were filed. In addition to what it cost to the defence, the Government had to spend over 16 lakhs of rupees in conducting the prosecution.

**19th. Bombay Liberals urge release of Political Prisoners:**—"The signatories are strongly of opinion that in order to secure a peaceful atmosphere for consideration of the reform proposals on their merits it is essential that all political prisoners should be immediately released and that they are not without hope that such action may result in harmony and co-operation."—Thus ended a long statement issued by Sir Chimanlal Setalvad on behalf of the conference held over the week-end by leading Bombay citizens of Liberal persuasion. The conference held three sittings and thoroughly considered the proposals made by Sir Samuel Hoare at the Round Table Conference. The statement formed its considered opinion and took objection to most of the principal proposals made by Sir Samuel Hoare. Among the signatories were Sir Chimanlal Setalvad, Sir Govindrao Pradhan, Sir Pheroz Sethna, Lalji Naranji, H. P. Mody, J. B. Petit, L. A. Tairsee, Manu Subedar, M. C. Chagala, R. R. Bakale G. S. Motilal, A. D. Shroff, Sir M. Visweswaraya, Sir Chunilal Mehta, Sir Lalubhai Samaldas, Mathuradas Vassanji, H. M. Mehta, Meyer Nassim, K. Natarajan, J. K. Mehta, B. P. Masani, M. D. Gilder, D. G. Dalvi and B. N. Gokhale.

**21st. Gandhiji's Statement: "State Interference in Religious Matters an Intolerable Nuisance: Legislation Imperative Necessity:**—"If the report is an intelligent anticipation of the forthcoming Viceregal decision, I can only say that it will be a tragedy," observed Mr. Gandhi referring to a Delhi message published in the morning in which the probable difficulties in the way of Government according sanction to the Temple Entry Bills were anticipated. "I emphatically repudiate" continued Mr. Gandhi, "the suggestion that there is any political objective behind these measures. If court decisions had not hardened a doubtful custom into law, no legislation would be required. I would myself regard State interference in religious matters as an intolerable nuisance. But there legislation becomes an

imperative necessity in order to remove the legal obstruction and based as it will be on popular will, as far as I can see, there can be no question of clash between parties representing rival opinions.

**22nd. Mahatma speaks on Guruvayur Question :—**"If a systematic referendum is again taken on the Guruvayur question and if the Zamorin participates in it and accepts whatever result comes out, I shall consider my vow fulfilled", wrote Mahatma Gandhi in reply to the questions sent to him by Mr. Ranchehoddas Patvari, ex-Dewan of the Morvi State, who recently interviewed him in the Yeravada Jail. Mahatma Gandhi proceeds: "Pamphlets describing who were entitled to vote were freely distributed and people were relied upon for their honesty of faith. It is not wholly impossible that those who were engaged in taking the Referendum exploited my vow to fast unto death. I, however, have not come to know that the vow is being exploited for conducting an agitation in favour of the Temple-Entry Bill. I do not consider inter-communal dinners and marriages as a part of the programme of removal of untouchability, though I see nothing wrong in all classes of people sitting together to take food prepared according to the hygienic principles and served in separate dishes, and I welcome marriages between suitable parties if their conduct is pure and their ultimate goal is self-respect. I have visited temples so often during my travels that I cannot say how often I have visited them. I had no right to contribute anything to temples from the funds collected by me. "I cannot be satisfied with separate temples for Untouchables, as I do not recognise a class of untouchables. Those untouchables who observe rules of cleanliness should have the right of temple entry. I consider it easier to ensure that observance of rules of cleanliness by untouchables than by other Hindus. A large section of depressed classes have not authorised me to agitate for securing right of temple-entry for them, but I want other Hindus to do their duty. I cannot, without committing a breach of the pledge given to the Government, answer the question, why I having launched the Non-Co-operation Movement, seek the help of the Viceroy on such a question."

**23rd. Viceroy Refuses Sanction to Temple-Entry Bill:—**Lord Willingdon refused sanction to Dr. Subbaroyan's Temple-Entry Bill in the Madras Council, but His Excellency permitted the introduction, in the Legislative Assembly, of Mr. Ranga Iyer's Untouchability Abolition Bill. The Government emphasised the need of ascertainment of Hindu opinion before they (Government) could decide what attitude to adopt. The announcement further stated that the Governor-General and the Government of India desired to make it plain that it was essential that consideration of any such measure should not proceed unless the proposals were subjected to the fullest examination in all their aspects not merely in the Legislature but also outside it by all who would be affected by them. This condition can only be satisfied if the Bill is circulated in the widest manner for the purpose of eliciting public opinion. It must also be understood that the grant of sanction to the introduction in the Central Legislature, Bills relating to temple entry do not commit the Government in any way to the acceptance or support of the principles contained therein.

**24th. Mahatmaji on Viceroy's Decision :—**The Viceregal sanction would have in all probability successfully prevented the fast over Guruvayur. But the Government of India had willed otherwise. I must try to trace the hand of God in it. He wants to try me through and through, said Mahatma Gandhi in a statement regarding the decision of the Viceroy about Temple Entry Bills. The sanction given to the All-India Bill, added Mahatmaji, was an unintentional challenge to Hinduism and the reformer. Hinduism will take care of itself if the reformer will be true to himself. Thus considered the Government of India's decision must be regarded as God-send. It clears the issue. It makes it for India and the world to understand the tremendous importance of the moral struggle now going on in India. Continuing, Gandhiji said: "But whatever the Sanatanists may decide the movement for Temple Entry now broadens from Guruvayur in the extreme south to Hardwar in the north and my fast, though it remains further postponed, depends not now upon Guruvayur only but extends automatically to temples in general."

**26th. Independence Day Arrests :—**As a sequel to the "Independence Day" celebrations a number of arrests were made all over the country.—At Calcutta a procession of 200 volunteers including 40 women was arrested while marching to maidan



to hold demonstrations. A dozen youths were arrested for attempting to hoist Congress flag on the Central office of the Calcutta Corporation.—At Patna Mr. A. N. Singha, the Provincial Congress "Dictator", Mrs. Rajendra Prasad and four other ladies were arrested for leading a procession. Several volunteers were also arrested for attempting to hoist national flag on the High Court.—Seth Govindas was arrested at Jubbulpore for leading a procession.—In Bombay, a crowd of demonstrators at Chowpatty were dispersed by a mild lathi charge and five arrests were effected.—Mr. Chottabhai Desai, President of the Bombay "War Council", was sentenced to one year's rigorous and a fine of Rs. 150. Six volunteers who were arrested along with the President were sentenced to terms of imprisonment varying from six months to three months. Mr. Anugraha Narayan Singha, described as the Behar Provincial Congress "Dictator", and Chandrabathi Devi, District Congress "Dictator", who were arrested to-day, were sentenced, on 1st February, under Section 17 (2) Criminal Law Amendment Act to fifteen months' rigorous imprisonment each, while nineteen others including two ladies, were sentenced under Section 17 (1) of the Act to four months' rigorous imprisonment each.—Forty-nine persons, including two women, who were arrested to-day in Calcutta in different batches on charges of leading an unlawful procession and being members of an unlawful assembly, were sentenced on 1st February by the Chief Presidency Magistrate to three months' rigorous imprisonment each. The convicted persons included Mr. K. P. Chatterjee, Education Officer, Calcutta Corporation, and Doctor Indranarayan Sen-Gupta.

*Civil Disobedience Prisoners: An Official Analysis* :—Official figures regarding communal character of the Civil Disobedience prisoners show that in the case of Ajmere Mewara, out of a total of 269 Congress prisoners sentenced up to the end of September, 267 were Hindus. In Assam out of 887 Civil Disobedience prisoners in the Sylhet Jail 866 were Hindus and 21 Muslims. In Bengal of 2,957 prisoners at the end of October, 33 were Mahomedans and the rest Hindus. In Bihar and Orissa 99 per cent of the prisoners in the Patna and Cuttack jails are reported to be Hindus and 55 per cent of them illiterate. In the Central Provinces out of Civil Disobedience prisoners all except 24 were Hindus. In Coorg all the prisoners were Hindus with no visible means of subsistence. In Delhi 91 per cent. were Hindus. In Madras of 904 Congress prisoners in the Rajahmundry, Trichinopoly and Cannanore jails 892 were Hindus, 6 Muslims and 6 Christians. In the Punjab, in the Central Jail at Multan 89 per cent. were Hindus and Sikhs and Muslims 10 and 3 per cent respectively. In the old Central Jail 94 per cent. were Hindus and 9 per cent. other communities. In the United Provinces the percentage in the four jails of Hindus was as follows: Lucknow Camp Jail 99 per cent., Lucknow District Jail 98 per cent., Fyzabad District Jail 96 per cent. and Bareilly District Jail cent. per cent.

**29th.** *Begum Shah Nawaz on women's franchise* :—Begum Shah Nawaz in a letter to "The Times" presenting the case of women in the new Indian constitution, urged direct representation for women and that they should be represented on the Central Upper Chamber. She asked for the unconditional recognition of equality between sexes as a Fundamental Right and also that women members of the House of Commons should have a place on the Joint Parliamentary Committee. Begum Shah Nawaz added it was essential that there should be differential qualifications for women in order at least to enfranchise the number of women recommended by the Franchise Committee.

**31st.** *Lancashire's threat to India* :—The contention that the Indian cotton duties on Lancashire goods are unjustifiably high is expressed in the annual report of the Manchester Chamber of Commerce. The report says that it appears that British and Indian Governments have taken undue advantage of the restraint shown by Lancashire and allowed the alliance of Indian millowners with the Congress to hurry them into action, which disregarded other legitimate interests. If that is proved to be the case in future, Lancashire will be forced to use a political weapon and call on its Parliamentary representatives for action to redress the situation of obvious inequity.

*Anti-Indian propaganda in England* :—Members of Parliament have lately been receiving a number of letters from their constituents urging them to oppose the Indian policy of the Government, to support the views of Mr. Churchill, to re-

fuse responsibility at the Centre till Provincial autonomy has had a fair trial, and to limit Provincial autonomy (said a "Times" report). The similarity of many of these communications led to the discovery of their common origin in a circular issued by the Executive Committee of the Indian Empire Society to its members, requesting them to induce electors to write letters to the members of Parliament in the above strain. They also appended to the circular model letters.

*"No autonomy for Bengal": European Association Decision:*—Provincial autonomy, so far as Bengal was concerned, should be withheld in toto until such time as its inauguration could take place with safety, was the observation made by Mr. H. Carey Morgan, Chairman of the Calcutta Branch of the European Association, in the course of his speech at the annual meeting of the Branch at Calcutta. The views of this Branch had been approved, he said, by the other branches of the Association and he added that representation had been made to His Majesty's Government.

*Bengal Governor on the coming Reforms:*—H. E. Sir John Anderson, addressing the European Association at Calcutta, said that he deprecated too much the cry of "Breakers Ahead" and added that responsibility had a sobering and steadying effect. His Excellency supported central responsibility and absolute autonomy for provinces. Leaving aside conditions of emergency, His Excellency said that responsible government was not really compatible with outside control. Regarding the question of law and order in Bengal, Sir J. Anderson said that the time had not come to pronounce the final judgment but His Excellency hoped that the province might not be singled out for special treatment when full self-government was being conferred on other provinces of India.

## FEBRUARY 1933

**1st.** *The Viceroy's Address to the Assembly:*—"There is no tarrying on the road of constitutional advance. Steadily and surely the march to Federation proceeds. In spite of themselves, the leaders of the Civil Disobedience movement will, I feel convinced, be caught up in the living forces of constructive politics, which the near approach of the new Constitution is releasing on all sides."—Thus observed His Excellency Lord Willingdon in the course of his address to the members of the Assembly. Regarding the Joint Select Committee procedure, His Excellency said that the Secretary of State would shortly announce the lines to be followed after the publication of the White Paper. The Viceroy was confident that representatives of the Indian legislatures would be among those invited for consultation. As regards the situation in the country, His Excellency was glad that the Government's policy of not relaxing the measures against Civil Disobedience had commended itself to an ever-increasing number of moderates and he assured the House that these measures would be in force only during the transitional stage.

*Sarda Act Conference:*—The Sarda Act Conference was held at Delhi under the presidency of Dewan Bahadur Harbilas Sarda, the author of the Act. A resolution was unanimously passed asking the Government to take steps to amend the law so as to prevent child marriages from being performed in contravention of the Act. The resolution added, that in order to give the country the full benefit of it the Child Marriage Restraint Act should be so amended as to give power to District Magistrates to issue injunctions stopping the performance of marriages which contravened the provisions of the Act.

**2nd.** *Delhi "Conspiracy" Case dropped:*—The Government of India announced abandonment of the Delhi Conspiracy Case after 21 month's trial. The total annual cost of the trial was about Rs. 3,50,000. The Government of India came to the conclusion that the special procedure which was adopted to expedite the trial had failed to secure that object and so the conspiracy case was not to be pursued. Some of the accused, however, who were alleged to have committed serious overt acts would be placed for trial under the ordinary procedure. Two would be detained under Regulation III of 1818.

**3rd.** *Mrs. Gandhi Arrested:*—Mrs. Kasturibhai Gandhi and six other women were arrested in the village of Ras in Borsad taluka, when they along with a hundred local women went in procession shouting slogans. The arrested persons were taken to Borsad for trial. Mrs. Gandhi was sentenced on the 8th under Section

17 (1) of the Criminal Law Amendment Act to six months' imprisonment and to pay a fine of Rs. 500 or in default, to undergo six weeks' further imprisonment. Six other ladies who were arrested along with Mrs. Gandhi were sentenced under Section 17 (2) to eighteen months' imprisonment and to pay a fine of Rs. 200 or in default to undergo six months' further imprisonment.

**4th. Sir S. Hoare on the Indian Question :—**In the course of letter to his constituents, reviewing the Indian problem, Sir Samuel Hoare said: "We have no intention of abdicating responsibilities and we certainly shall not report the Irish precedent. While we are prepared to support the cause of Indian self-government we are certainly not going to sacrifice British or Imperial interests".

**5th. Hoare's Review of Indian Situation :—**Making a statement in the Commons on the position in India Sir Samuel Hoare said that, during January, there were occasional outbursts of Congress activity accompanied by minor disturbances but the situation continued to be well in hand. 14,815 were imprisoned for political offences at the end of December compared to 17,145 at the end of November. The interest of many Congress workers was diverted to Mr. Gandhi's campaign against Untouchability.

**6th. Ban on Allahabad Meeting :—**A public meeting in Allahabad in connection with the anniversary of Pandit Matilal which was to have been presided over by Sir Tej Bahadur Sapru, was prohibited by the District Magistrate of Allahabad. In the course of a statement to the Press regarding the ban, Sir Tej Bahadur said that the District Magistrate might have been more considerate and made a reference to the convenors of the meeting who were politicians of different schools, even though Congressmen might join it. He added that actions of such character only tended to cause unnecessary and avoidable irritation and annoyance to public sentiment. He concludes by saying that "it is time it was realised that there is a limit to exasperation of public feeling on a question of this character". Pandit Hridayanath Kunzru, one of the convenors, applied to the Sessions Judge, Allahabad, to revise the order of the District Magistrate. The Sessions Judge dismissed the application on the ground that it would be waste of time to consider it since no order passed by him could affect any similar order which the Magistrate may pass in future.

*Condition for Gandhi's release :—*In the Assembly Sir Harry Haig was bombarded with a series of questions relating to the release of Mahatma Gandhi. The Home Member maintained that the key to the whole question lay in the Congress attitude on Civil Disobedience whether they intended to continue it or abandon it. Members suggested that since Mr. Gandhi, if released, would be preoccupied with anti-untouchability campaign it would be safe and desirable to release him and other political prisoners. Sir Harry Haig said that the Government had received no satisfactory assurance that with the release of Mr. Gandhi there would be complete abandonment of Civil Disobedience. On the other hand, Mr. Gandhi himself only so recently as January 14 stated that he would use all his talents for the Civil Disobedience movement.

**8th. Bombay Liberals Condemn Reform Proposals :—**A mammoth meeting of the citizens of Bombay belonging to various schools of thought, was held in the Cowasji Jehangir Hall, which was packed to the full. Sir Chimanlal Setalvad presided, and the speakers included Sir Govind Rao Pradhan, Sir M. Visvesvarayya, Mr. Mathurdas Vassanji, Mr. H. P. Mody, Mr. R. P. Masani, Mr. J. K. Mehta, Professor Davar and others. Resolutions were passed, expressing dissatisfaction with the Reforms proposals that have emerged from the deliberations of the Third Round Table Conference and demanding the release of all political prisoners in order to secure a peaceful atmosphere for the consideration of the Reforms scheme.

*Hardship of Political Prisoners: Questions in Assembly :—*Question hour to-day was unusually enlivened by Mr. Satyen Mitra's questions regarding political prisoners, and their hardships in Madras Presidency, Deoli Detention Camp and Andamans. Answering Mr. S. Mitra, the Home Member said that the question of association for Mr. Bose, a lonely State prisoner in the Jubbulpore Jail was under the consideration of Government and Government's decision would be reached at an early date. Sir Harry Haig saw no reason for supposing that Satindranath Sen, a Bengal detenu in the Ajmer Central Jail was getting a



treatment which was unjustifiable. The question of transferring him therefore did not arise. There are eight State prisoners from Bengal confined in the Jails of the Madras Presidency and the Home Member said that he was not prepared to give detailed information about them but said that the general state of health of those prisoners was satisfactory. Sir Harry Haig informed the House that the Government had accepted the general principle that prisoners convicted of terrorist crimes should be liable to be sent to the Andamans.

**9th. Arrests and Convictions :—**Seth Damodar Das, described as the "Dictator" U. P. Congress Committee was sentenced at Bareilly to two years' rigorous imprisonment and to pay a fine of 50 rupees. Srimati Vidya Bati, "dictator", Allahabad and another woman were sentenced to six months' rigorous imprisonment, and to pay a fine of Rs. 15 each under the Criminal Law Amendment Act in connection with the Congress procession at Bareilly on the 12th of January last.—Seth Govindas who was arrested on 26th January in connection with the Independence Day celebrations was sentenced on the 9th February to one year's rigorous imprisonment and a fine of Rs. 2000 in default to three months' additional imprisonment.—Mr. Debiprasad Shukla who was also arrested with him was awarded six months' rigorous imprisonment and a fine of Rs. 100 in default to one-and-a-half months' further imprisonment.

**13th. Condition of Gandhiji's Release : Sir Samuel's Statement In Commons :—**Replying to Mr. Thomas Williams, Sir Samuel Hoare announced that there could be no question of Mr. Gandhi or other Civil Disobedience prisoners being released until Government had convincing reasons to believe that their release would not be followed by a revival of civil disobedience. Mr. Thomas Williams asked whether Sir Samuel Hoare expected to get the maximum results from the Round Table Conference when the official leaders of Indian thought were in prison. Sir Samuel Hoare replied that there would be numerous representatives of Indian thought at any present or future discussion. Mr. Williams asked: Was it not likely that Indians would be more ready to welcome the progress that had been made if their leaders were released. Sir Samuel Hoare replied that it was a very complicated question to which an answer yes or no would be useless.

*Establishment of Indian Medical Council : Mr. Bajpai's Bill in the Assembly :—*At the Assembly Mr. G. S. Bajpai moved that the Bill to establish a Medical Council in India and to provide for a maintenance of British Indian Register be referred to a Select Committee consisting of the Law Member, Sir Frank Noyce, Dr. Dalal, Mr. Arthur Moore, Sir Harising Gour, Sirdar Harabans Brar, Messrs. Gayaprasad Singh, Mr. S. C. Mitra, Kunwar Haji Alikhan, Mr. Yaminkhan, Sir Abdulla Suhrawardy, Messrs. Ramkrishna Reddi, Anklesaria and the mover. He was cheered at the conclusion of his twenty minutes' speech when he sought the co-operation of the House to remove any imperfections. He emphasised that licentiates should be excluded from the scope of the measure in accordance with the opinion of a majority of the provincial governments.

**14th. Arrests and Convictions :—**Prayag Dutt and twelve others were sentenced at Lucknow to one year's rigorous imprisonment each under the Criminal Law Amendment Act on a charge of participating in activities in furtherance of the Congress movement. They were arrested when attempting to open an office of the District Congress Committee at Aminabad—At Calcutta, six persons were sentenced to six months' rigorous each by the Chief Presidency Magistrate, for leading a procession in Clive Street and for being members of an unlawful Association.

**15th. Release of Gandhiji and Political Prisoners : Debate in Assembly :—**In the Assembly there was a resolution on the agenda by Mr. Ranga Iyer for nomination of representatives of the House to interview Mahatma Gandhi in jail with a view to bring about his release and that of his followers. When the Deputy President called on Mr. Iyer to move it, the latter made a statement yielding place to Mr. Maswood Ahmed to move his resolution on the same subject. The resolution asked for the release of Mahatma Gandhi, Mufti Kifayatullah and other political prisoners to secure their co-operation in the future of constitution-making.

**16th. Chittagong Armoury Raid Absconder arrested :—**Surya Sen, alleged leader of the First Armoury Raid, for whose arrest a reward of Rs. 10,000 had been de-



clared by the Government, and Brajendra Nath Das, another absconder, were arrested at Gairala, 5 miles from Patiya in Chittagong District. Details available regarding the arrest showed that the arrest was effected after a sharp fight between the absconders and the police. No casualty was, however, reported. Sen, who was regarded as the principal absconder in the Chittagong Armoury Raid case, had been missing since 1930.

- 17th. Anti-communal League :—**In order to give practical shape to Dr. Mahomed Alam's idea of forming an Anti-Communal League having for its object the eradication of communalism in every shape or form, prominent citizens of Lahore, representing various communities and interests, met by invitation at Dr. Alam's residence. Prominent among those present were Dr. Alam, Lala Dunichand, Lala Shamlal, Advocate, Prof. Abdul Majid, Mr. Haridatta Sharma, Sardar Mangal Singh, Prof. Ruchiram Sahney, Mr. Hira Singh, Dr. Datta, Sardar Gopal Singh, and Mr. Ralliaran, Secretary Y. M. C. A., Lahore. The League's aims would be to devise ways and means to bring Indians of all classes and communities closer together to promote the common interest. The League's activities would be at first in the Punjab but it was hoped to make it an All-India organisation.
- 20th. Next Congress at Calcutta :—**Mr. M. S. Aney, Acting President of the Congress announced that the next session of the Indian National Congress would meet at Calcutta on the 31st March and 1st April. Four provinces had pressed their invitations but the invitation from Bengal was accepted.
- 22nd. Demand for release of politicals :—**A well attended public meeting at Lahore urged the immediate release of all political prisoners and declared that the reform proposals as they emerged from the Round Table Conferences were unacceptable to the Indian people because they fell far short of the minimum demands of the country. The meeting demanded that the new Constitution should include complete Provincial Autonomy and Central Responsibility subject to safeguards in India's interests regarding defence and foreign affairs, for a fixed transitional period.
- 23rd. Mr. Subash Bose sails for Europe :—**Mr. Subash Chandra Bose sailed for Europe from Bombay to-day. Select friends and relatives were allowed to interview him on board the steamer in the presence of police officers. Regulation III order was not withdrawn till the steamer entered the ocean. Mr. Susil Bose, Mr. S. C. Bose's elder brother, who is the manager of the Calico Mills, Ahmedabad, his nephew Mr. Amiya Bose, and Mr. Sunil Bose were the three relatives whom the Bombay Government permitted to interview Mr. Subash Bose on board the steamer. Mr. Bose was going to Switzerland where he would be treated. Mr. Bose's parents could not come as they were unwell.
- 24th. Women Magistrates in Bengal :—**For the first time in Bengal seventeen women were appointed as Presidency Magistrates empowered to sit with the stipendiary Presidency Magistrate in the Central Children Court, Calcutta. The appointments gazetted included the names of 10 Bengali women, two Muslims, four Europeans and one Parsi.
- 28th. Diehards' plea for modification of White Paper :—**Controversy continued to rage among the Conservatives on the Indian policy. "*The Morning Post*" said: The belief is that the Government will be compelled to take note of the alarm so generally expressed. It is expected that the result will be considerable modification of the White Paper. A large section of the Members of Parliament will force to an issue the growing demand for the free vote in the Commons".—Mr. Cadogan, Member of the House of Commons, in a speech in London, said that he was "opposed to any form of Responsible Government in the Centre unless it was made perfectly clear that the essential safeguards would accord with the appalling responsibility resting on the British shoulders for the welfare of the Indian people."—A resolution "that the Grand Council of the Primrose League views the question of Indian reforms with the gravest anxiety and whilst assuring Government of its support for reasonable progress in the provinces it trusts that the White Paper will not indicate that the British Government at the Centre will be abandoned until there is a definite proof of the success of Provincial Self-Government", was passed.

**Government of India Budget for 1933-34 :—**The Hon. Sir George Schuster, Finance Member of the Government of India, introduced the Budget in the Assembly. The revised estimates for the current year close with a surplus of Rs.

217 lakhs, as against Rs. 215 lakhs according to the Budget estimate. The year under Budget (1933-34) is expected to close with a surplus of 42 lakhs, the improvement being due to economies in Military and Civil Expenditure. No remission in taxation is proposed owing to the uncertainty still continuing. Sir George Schuster made slight changes in duties on boots and shoes and artificial silk. The noticeable change in taxation was the proposal to reimpose the stamp duty on cheques with effect from the 1st July. But this measure is intended to benefit the Provincial Governments exclusively at their request.

*Bengal Governor on need for proper atmosphere* :—H. E. the Governor of Bengal addressing the Council said that it was not enough to meet force by force or to overbear lawlessness by asserting the majority and power of the law. An atmosphere must, if possible, be created in which seeds of disorder would not readily germinate.

## MARCH 1933

- 1st. *Ban on Congress session* :—Mr. S. C. Mitra put a series of short notice questions in the Assembly relating to the Congress session. Sir Harry Haig, replying, said that though the Congress had not been declared an unlawful Association, "it stands at the present moment for an unlawful movement, and its activities are directed towards an unlawful end, and that is the reason why its annual session cannot be permitted." He also stated that the Government's decision to ban the proposed session had the approval of the Secretary of State.
  - 2nd. *Congress and the White Paper* :—Chaudhury Khaliquzzaman of Lucknow, an old Congressman and acting President of All-India Moslem Nationalist Party left for Benares to consult Pundit Madan Mohan Malaviya. Maulana Abul Kalam Azad joined them at Benares. It was understood that the meeting was for the purpose of emphasising the view of the Nationalist Muslim Party, that the next session of the Congress should consider favourably the working of the new Constitution if it was acceptable to the country, thereby changing the present policy of Civil Disobedience. Mr. C. Rajagopalachariar, when asked whether the Congress at Calcutta was likely to consider the White Paper, replied that although he could not speak for the Congress personally he was of opinion that it could not consider the White Paper so long as Mr. Gandhi and other Congressmen were in jail.
  - 3rd. *Plea for a non-communal Party* :—An informal meeting of the members of the Council of State and the Assembly was held at New Delhi in the Western Hotel to consider the desirability of forming an All-India organisation based on non-communal lines to work the new Constitution. The Kumar Raja of Venkatagiri was the prime mover with regard to this matter.
  - 5th. *Dissatisfaction with Reforms proposals* :—A public meeting was held in the Mayo Hall, Allahabad, to consider the reforms proposals, under the presidency of Pundit Hridayanath Kunzru. The Pundit was of opinion that the proposals were not of such a character as to satisfy the people of India. He also pleaded for the release of all political prisoners in order to create an atmosphere of goodwill. Mr. C. Y. Chintamani characterised the present scheme as most unsatisfactory and one sided. Mr. Chintamani appealed to his countrymen to make it difficult, if not utterly impossible, to palm off utterly unsatisfactory Reforms as if they were the Magna Charta of India." A resolution was passed expressing dissatisfaction with the reform proposals and opining that a definite period must be fixed for nationalisation of the army.
- The Moslem League* :—A meeting of the Council of the All-India Muslim League was held at the Western Hotel, New Delhi, under the chairmanship of Mian Abdul Aziz, President of the All-India Moslem League. The question of the amalgamation of the All-India Muslim League with the All-India Muslim Conference was discussed. Sir Mahomed Yakub sponsored the resolution regarding amalgamation which was stoutly opposed by some. The meeting ended in utter confusion, some of the members indulging in a fight with sticks and chairs.
- Police raid "Congress camp" in Calcutta* :—The police raided a house in Nimtolaghat Street, Calcutta, described as a "Congress Camp" organised under the auspices of the "All-India Congress Committee" in connection with the session of

the Congress on 31st March, and seized a cyclostyle machine and 200 copies of unauthorised leaflets. Two persons said to be engaged in printing leaflets were arrested.

**9th. French Police Official shot at :—**Mr. Quinn, Police Commissioner, French Chandernagore, was shot at by three armed Bengali youths. Mr. Quinn was taken to Chandernagore hospital where he died the next morning. It was stated that a party of three armed Bengali youths were hiding in a house and, on receiving information, Mr. Quinn went to the house to make enquiries. The occupants of the house tried to escape and were pursued by the commissioner and some policemen. One of the pursued Bengalis turned and fired three shots at Mr. Quinn causing him serious injuries in the abdomen. A constable was also seriously injured. Of the three Bengali youths, two escaped while the third was arrested.

**"Calcutta Congress" Reception Committee Banned :—**The Calcutta Gazette (Extraordinary) published the following notification of the Government of Bengal: "Whereas the Governor in Council is of opinion that the association at present known by the name of the Reception Committee of the Indian National Congress 1933, has for its object interference with the administration of law and with the maintenance of law and order and that it constitutes a danger to the public peace; Now, therefore, in exercise of the power conferred by section 16 of the Indian Criminal Law Amendment Act, 1908 (XIV of 1908), as amended by the Devolution Act, 1920 (XXXVIII of 1920), the Governor in Council is pleased to declare the said association to be unlawful.

**12th. Sentence on Mr. A. K. Amin :—**Mr. A. K. Amin, Barrister-at-Law, and thirteen others who were arrested as the result of a series of raids by the Bombay C. I. D. in connection with the printing of Congress Bulletins were convicted, under Section (1) of the Criminal Law Amendment Act, and sentenced to six months' rigorous imprisonment. Twelve of the accused, including Mr. Amin, Barrister, who were also charged under Section 17 (2) of the same Act, were sentenced to two years' rigorous imprisonment.

**14th. States and Federation :—**An informal conference which His Excellency the Viceroy had with the Princes was adjourned *sine die*. The object of convening the Conference was to discuss with the Princes the question of allocation of seats in the Federal Legislature. Many of those present were said to have explained the difficulty of offering their views without knowing whether the Indian States would join the Federation at all, while, of course, they were in favour of the principle of Federation. Further, it was stated, until they knew what safeguards were provided in the proposed constitution for the Princes, it would be premature for them to commit themselves on the question of allocation of seats. It was also felt that better results could be achieved after the publication of the White Paper.

**Bengal and the Poona Pact :—**Mr. Jitendralal Bannerjee moved in the Bengal Council his special motion of condemnation of the Poona Pact relating to the representation of the depressed classes in the provincial legislatures "which is unapplicable in the peculiar circumstances of Bengal, is injurious to Bengali Hindu interests and subversive of their solidarity". The resolution added that as the Poona Pact does not fulfil the conditions for a substituted agreement laid down in Para 4 of the Prime Minister's Award he should revise and withdraw acceptance of the Pact so far as Bengal was concerned. Explaining the Government's position, Mr. Prentice, Home Member, said that the proper line to take for the Hindus in Bengal was to get together and endeavour to hammer out an agreed scheme which they could submit to the Premier. The motion of Mr. Bannerjee was passed by the Council, 37 voting for and 27 against, the Government and European block not taking part in the voting.

**New President of the Assembly :—**Mr. R. K. Shanmukham Chetti was elected as the President of the Legislative Assembly. All the party leaders joined in welcoming the Deputy President's elevation to the chair.

**16th. Congress Reception Committee Declared Unlawful :—**The Reception Committee of the Indian National Congress was declared an unlawful association by the Governor-in-Council in exercise of the power conferred by section 16, Indian Criminal Law Amendment Act, 1908, as amended by the Devolution Act, 1920. In the opinion of the Governor-in-Council, the Association had for its object interference with the Administration of Law and maintenance of law and order, and it constituted a danger to the public peace.



**17th. *The White Paper* :—**The White Paper, containing His Majesty's Government's Reform proposals was published to-day. In general, the substance of the Paper follows the R. T. C. results very closely. It is pointed out that the mere passing of the Constitution Act will not introduce the Federation automatically. So far as the States are concerned, Federation can come into operation if a substantial number of the States signify their desire to join it. It is, however, stated that it is not the purpose of the present proposals to merely introduce Provincial Autonomy with Federation as a mere contingency. The Federation will come into force only after a further address from both Houses of Parliament. The Act will contain provisions enabling prior introduction of Provincial Autonomy, if necessary. The Federal Legislature will be bicameral, the Upper Chamber consisting of 260 members while the lower will consist of 375. The franchise for this legislature will approximately be the same as that now existing for Provincial Legislatures. The Governor-General's special powers and responsibilities are dealt with at great length. Defence, External Affairs and Ecclesiastical matters will be in charge of Counsellors, not Ministers, and administered by the Governor-General. Regarding Finance, the Governor-General's 'special responsibility' is to give him powers of intervention should his Ministers' policy endanger the provision of resources for reserved departments. A financial adviser is to be appointed to assist the Governor-General. Other matters in respect of which he has 'special responsibility' are : safeguarding financial stability ; protection of legitimate interests of minorities, of the Services and of the rights of Indian States ; the prevention of commercial discrimination and any matter which affects the administration of reserved departments. The total number of Provinces will be eleven, viz, the existing provinces plus Sind and Orissa. These Provinces will be autonomous units, the Government of each being administered by the Governor advised by a Council of Ministers responsible to the legislature. The Governor also is provided with 'special responsibility'.

*Orthodox Hindus' Deputation to the Viceroy* :—A deputation of orthodox Hindus waited on His Excellency the Viceroy, to represent their views regarding the temple-entry legislation and the proposed reforms. In reply to their representations the Viceroy said that in granting sanction of the introduction of the temple-entry bills it was made clear that the consideration of the bills should not proceed unless they were subjected to the fullest examination in all their aspects not merely in the legislature but also outside by all those who would be affected by them. His Excellency assured them that all classes of their community would be given full opportunity to record their views and, in particular, the views of the heads of religious institutions and associations. In conclusion, the Viceroy also assured them of his sympathy regarding the question of their representation in the delegation to the Joint Select Committee.

**20th. *Viceroy's Address to the Princes' Chamber* :—**The twelfth session of the Chamber of the Princes was opened at New Delhi by His Excellency the Viceroy. In doing so, His Excellency said that it was the Princes who made Federation a living idea and a practical possibility by their expressed determination to join British India in securing a real measure of progress towards self-government. The Viceroy added that it was his firm conviction that for the Indian States the balance of advantage weighed heavily towards accepting the Federal scheme and working it wisely and prudently. It offered them, His Excellency said, great advantages and they would have a weight and influence in the Federal bodies which would go far to ensure stability and ordered progress in India in all matters not expressly ceded to the Federation. The protection promised in their treaties with the Crown has been reaffirmed in a manner which would satisfy the most doubtful amongst them, added His Excellency.

*R. T. C. States Delegates' Report* :—Sir Manubhai Mehta and Sir Liaquat Hyat Khan submitted their report to the Standing Committee of the Chamber of Princes, summing up their efforts, as delegates to the London Conference, to secure the conditions laid down by the Chamber. They said : The delegates took their stand on the six conditions which were deemed necessary for fulfilment before the States could accept the Federal scheme. They are happy to report that, as regards the first condition, namely the maintenance of the integrity of the States and their internal sovereignty and their full autonomy, as also two other conditions, namely, that treaty rights should be inviolate and no future Federal legislature could enlarge the sphere of Federal subject without the consent of the States—these

might be treated to have been accepted by the British Government. Altogether, eighteen safeguards are mentioned in the list, and besides those mentioned above are the following: That the Federal Government will have no concern with the form of Government in the States and the method of selecting representatives of the Indian States to the Federal Legislature; that there shall be no discriminatory legislation against any of the Federating States or the subjects of any such States; that the appellate jurisdiction of the Federal Court shall not extend over the courts of the Indian States. The concluding paras of the report contain a vigorous plea for the acceptance of the federal scheme.

**21st.** *Sir T. B. Saprú's statement on White Paper*:—Sir Tej Bahadur in the course of a long statement on the White Paper said:—“The White Paper was a disappointing document, and the Constitution was not one for a self-governing dominion. The most outstanding feature of the Constitution is that far more emphasis is laid on safeguards and reservations than on Central responsibility and the possibility of its early growth and expansion. He said that it was not a Constitution intended to make an appeal even to moderate-minded men in India. It would have to be materially altered in certain respects. Our duty, he concludes, is now to work for material alterations and amendments. The whole superstructure is built on two foundations, viz., the Communal Award and All-India Federation. Our business should be not to attack the foundations but try to improve the superstructure.”

**22nd.** *Dr. Moonje's appeal for Unity*:—In an appeal for political unity and the convening of a All parties' Conference, Dr. B. N. Moonje, Working President of the Hindu Mahasabha, said that the only way of forging an effective instrument to force Government to respect the voice of the people and reconsider the retrograde proposals of the White Paper lay in bringing about political unity on a wider scale. Dr. Moonje considered that the time was ripe for a bold and comprehensive lead and appealed to the Congress and Mr. Aney to take the initiative and convene an All-Parties' Conference to reassert the comprehensive leadership of the Congress, which alone could bring round the Government into a sober mood.

*Congress Reception Committee members sentenced*:—Dr. Ghosh and Mr. Panchanan Bose were sentenced by the Chief Presidency Magistrate, Calcutta, to three months' imprisonment under the Press Act, for having issued unauthorised leaflets, without the names of the printer or press in connection with the session of the Congress. They were further convicted as being members of the Reception Committee, which was an unlawful body, but were not separately sentenced.

**24th.** *The Temple-Entry Bill*:—The Temple-Entry Bill was introduced in the Legislative Assembly to-day. The motion for introduction was opposed by the Rajah of Kollengode and Mr. Thampan raised a preliminary objection that the Bill was ultra vires of the legislature. The latter objection was overruled by the President and the House allowed the Bill to be introduced. Mr. Ranga Aiyar next moved that the Temple-Entry Bill be circulated to elicit public opinion by the 30th July. Raja Bahadur Krishnamachari opposed the circulation motion and condemned the proposed legislation in strong terms. At last he urged that the date fixed for circulation should be 31st December instead of 31st July. Mr. Gunjal opposed the circulation motion and asked the House not to support the Bill. As it was already 5 p. m. and as that was the last day of the session for non-official business, the President wanted to take the sense of the House for a late sitting. As there was no overwhelming majority for it, the President adjourned the House. So the Bill stood postponed to the Autumn session of the Assembly.

**25th.** *A Menace to Progress of Education: Bengal Governor on Terrorism*:—“The Syndicate and Senate, as was only to be expected, have given expression to their sense of the menace which the cult of terrorism offers to the progress of true education and indeed to the advancement of the general interests of the country. I trust they will not permit their disapproval to stop short at mere expression but that they will actively exert their influence over students and guardians alike to counteract the insidious position of this pernicious doctrine.” With these words, His Excellency Sir John Anderson, in his first speech as Chancellor, addressed the annual Convocation when nearly 673 Graduates received their Diplomas.—The Vice-Chancellor addressing appealed to parents and guardians of boys to help the University in counteracting the

terrible menace of terrorism to peaceful pursuit of knowledge and said: "It is my duty to warn its alumni against the terrible disaster subversive activities against Government have brought to the country and the set-back it had already given to our aspirations for speedy attainment of Swaraj."

*Viceroy's Gag : Jam Sahib Prevented From 'Airing His Views' :—*At the Chamber of Princes the Jam Sahib of Nawanagar, the Chancellor, read out the account of work of the Indian States' Delegation to the Third Round Table Conference. He stated that the cold logic of the situation had convinced him that the present federation scheme was dangerous alike to the States and the British connection. He reiterated the conditions as a *sin qua non* for the Indian States for entering the Federation which was the establishment of the rights of the States upon something more solid than the shifting sands of political convenience. In the present scheme he saw the obliteration of kingship by the inroads of democracy. At this stage the Viceroy intervening from the chair said that he did not see the relevancy of giving personal views at the time of submitting the report of the delegation. While unwilling to interrupt the Chancellor from completing his task of submitting the report, His Excellency said that this was no occasion for airing one's views on "the terrible dangers of a possible federation." The Jam Sahib of Nawanagar did not proceed further with the reading of the report.

**26th.** *Police Sub-Inspector shot dead :—*At Patiya ( Chittagong ), Sub-Inspector Dikshit was shot dead. The victim was posted to Patiya about a year ago specially to deal with dacoity cases in the area. On the day of the outrage he returned to his quarters late in the night and when he was performing ablution in the attached yard he was fired on from behind with a shot gun and he immediately expired. Seven Mahomedans were arrested. They were recently hauled up by the Sub-Inspector in a case under Sec. 110 of the Criminal Procedure Code.

**27th.** *Bengal Muslims Condemn White Paper :—*"The White Paper is thoroughly unacceptable, inasmuch as the proposals are reactionary and of an illusive character, and particularly detrimental to the vital interests of the Moslem Community", was the resolution passed at a meeting of the Council of the Bengal Presidency Muslim League.

*Hindu Mahasabha Condemns White Paper :—*The Joint Conference of the Working Committee of the Hindu Maha Sabha and the Hindu members of the Central Legislature met to consider the White Paper. The conference was of opinion that the proposals in the White Paper were "most disappointing, inadequate and even retrogressive".

**28th.** *Congress Arrests in Calcutta :—*Dr. Nalinakshya Sanyal and Harasunder Chakravarti, Chairman and General Secretary, respectively, of the Reception Committee of the proposed Calcutta session of the Congress, and Manindra Bannerjee were sentenced to six months' rigorous imprisonment, on a charge of issuing unauthorised leaflets without the names of the printer and publisher and also for being members of an unlawful association.

**th.** *Depressed classes' Deputation to the Viceroy :—*A deputation of the Depressed Classes of India, led by Rao Bahadur M. C. Raja, waited on His Excellency the Viceroy and urged the removal of disabilities they were suffering under. They hoped that the Government would assist the passage into law of the Temple-entry Bill and the Anti-untouchability Bill. Replying to the deputation, His Excellency detailed the action taken by the Government of India, the Provincial Governments and His Majesty's Government for the improvement of their position economically and politically. Regarding the Temple-Entry Bill, the Viceroy said that the duty of the Government was to ensure that the legislature should not proceed with such proposals unless the fullest opportunity was given to those affected to form and express their considered views on them. In the end, His Excellency assured the deputationists that himself and his Government would continue to show such practical sympathy as the circumstances permit.

**30th.** *Arrests of Congress Leaders in Calcutta :—*Early in the morning the Calcutta Police made many arrests in connection with the Forty-seventh Session of the Congress. Inspector J. Lahiri of the Ballygunge Police Station, with a number of constables went to the house of Sj. J. C. Gupta at 309, New Circular Road and communi-



cated the object of his visit. Sj. Gupta was ready in a few minutes and was arrested and driven to the Police Station under a police escort. He was subsequently removed to the Alipore Central Jail. Dr. M. Alam, the Congress leader from Lahore, who was then in Calcutta to undergo a further course of treatment, was arrested and taken to the Central Jail. Sj. Suresh Chandra Majumdar, described as the third chairman of the Reception Committee of the 17th session of the Congress was arrested. Sj. Benoy Bose, General Secretary, was also arrested. Sreejukta Urmila Devi who had been lying ill in bed was arrested and taken to the Central Jail. Prominent Congress workers who were arrested simultaneously with the arrests of Dr. Alam and Sj. J. C. Gupta were: San. Jyotirmoyee Ganguli, Sjkta. Hemprova Majumdar, Dr. Pratap Chandra Guha Roy, Sj. Jitendra Nath Mitra, Amarendra Bose, Paritosh Banerjee, Kalyan Das, Subhanga Bose, Prabhat Ganguli, Prabhat K. Roy, Sailendra Mitra, Gostha Pal, Gurdit Singh, Basantlal Muraka, Bhupendra Nath Dutt, Bankim Mukherjee, Madhusadhan Das Burman. The following persons were also arrested:—Capt. Narendra Nath Dutt, Dr. Charu Chandra Banerjee, Moulvi Jalaluddin Hashemi, Sirdar Niranjan Singh, Editor, "Desh Darpan", Sardar Ajit Singh, Assistant Editor, "Desh Darpan", Gopal Singh Khalsa, Raghurib Singh, Pandit Madan Lal Mishra. Among prominent ladies and gentlemen arrested were Sjtas. Sujjan Devi, Mithi Ben, Miss Ohhaya Chatterjee, Sjs. Prabhat Roy Choudhury, Hajura Singh Akali, Balbant Singh Pardeshi, Kabul Singh, Gopal Singh American, Ram Singh Akali, Abinash Bhattacharjee, Abinash Bose of Dinajpur, Viewanath Kapoor, Ramlagan Singh and Sm. Gangarani Devi. Mr. M. S. Aney, Acting Congress President, who was proceeding to Calcutta by Thursday's Bombay B. N. Ry. Mail was arrested at the Kharagpur Railway Station. It was believed that the arrest was effected under the Public Security Act. Srijukta Nellie Sen-Gupta was served with a notice directing her not to leave her house for three days and also not to take part in any political demonstration for one month. Srijit B. N. Sasmal was served with a notice under section 4 of the Public Security Act directing him not to leave his house for three days and further not to take part in political demonstration for one month. A similar notice was also served on Sj. Santosh Kumar Bose. Notice was served on Prof. Satish Ch. Ghose directing him not to leave house till April 4.

- 31st. Pt. Malaviya arrested and released :—**Pandit Madan Mohan Malaviya, his son Pandit Govind Malaviya, and grandson Mr. Sreedhar Malaviya and party, including Messrs. Rafi Ahmed Kidwai, Keshabdeo Malaviya, C. B. Gupta and seven others were arrested at the Asansol Station en route to Calcutta to attend Congress. Mrs. Motilal Nehru who was travelling by the same train was also arrested. They were detained in the Asansol Jail. Pandit Malaviya and those arrested with him were released on 3rd April. They immediately left for Calcutta. Messrs. Devidas Gandhi and Trilochan Pant who had been detained in the Asansol Jail were also released on 3rd April.

## APRIL 1933

- 2nd. U. P. Liberals on the Reform Scheme :—**A general meeting of the U. P. Liberals' Association, Mr. C. Y. Chintamani presiding, passed a resolution recording its dissatisfaction with the proposals in the White Paper and affirming that far from being a measure of appeasement the White Paper scheme is bound to accentuate political discontent. The Association is of opinion that no reform scheme will meet the wishes of Indians, which will not endow India with a true responsible self-government, with no more than the minimum of reservations demonstrably in the interests of India for a short transitional period fixed by statute. The Association also passed a resolution protesting against the action taken by the Government for the second time to prevent the holding of the Indian National Congress.

**Death of H. H. Jam Sahib :—**Sudden death of His Highness the Jam Sahib of Nawanagar at Jamnagar. His Highness was Chancellor of the Chamber of Princes in 1932 and was well-known in the cricket world as 'Ranji'.

- 4th. Municipal employees and offences against the State :—**A Bill to amend the Calcutta Municipal Act of 1932, with a view to preventing those who may have been convicted of offences against the State from being appointed as Municipal

servants, was published in a 'Gazette Extraordinary'. The Bill also provided for the dismissal of those Municipal officers who might be convicted after the enforcement of the Act.

**6th. Communal Rioting in Calcutta:**—13 Muslims and 3 Hindus were injured in a rioting at Behala Southern Suburbs, seven miles from the city, in the morning when some Punjabis, joined by a number of upcountry men obstructed a Muslim procession leading a number of sacrificial cows to Shapur Mosque, and, as alleged, they snatched two of the cows. It was stated that Section 144 Criminal Procedure Code was promulgated the day before restraining Muslims from sacrificing at Gholsapur Mosque, within the jurisdiction of Behala Police Station, but it was arranged that sacrifices should be made at the Shapur Mosque. Police pickets were posted accordingly, and Muslims, after prayers at Gholsapur Mosque, were taking cows to Shapur, when the incident occurred. Excitement prevailed and the tram service was suspended for some time. The police, soon after, brought the situation under control.

**8th. Mahatma and the White Paper:** *No detailed Opinion without consulting colleagues:*—The "Bombay Chronicle" to-day published what it had "every reason to believe" to be an accurate reproduction of material portions of the statement addressed by Gandhiji to the Viceroy in reply to a request that Gandhiji should express his views on the R. T. C. proposals. The "Chronicle" declared that Sir Samuel Hoare who had been strongly pressed by Sir Tej Bahadur Sapru and other R. T. C. delegates to agree to release the political prisoners, was himself always anxious to secure Gandhiji's return to co-operation. There was thus a strong move to secure Gandhiji's release in the middle of March at the time of the publication of the White Paper. The difficulty, added the "Chronicle", was "of satisfying the Government of India that the release would not be followed by a renewal of Civil Disobedience. It was, therefore, decided to ask Mahatma Gandhi to give the Viceroy a statement of his views on the present situation." The "Chronicle" believed that the following were extracts from the statements made to the Viceroy by Gandhiji in conformity with the request. The Paper added that the Government of India rejected that statement. The "Chronicle", however, did not say exactly who made the request to Gandhiji. The extracts from Gandhiji's statement are as follows:—"It is not possible in the circumstances in which Your Excellency's Government has placed myself and the organisation which does me the honour of accepting my views and guidance to express an unbiassed opinion on the constitutional proposals which 'prima facie' bear no evidence of being demonstrably in the interests of India. The Pact which the Late Viceroy did me the honour of signing with my placing the seal of friendship on the relations between our two countries indicates the major basis on which the Congress, which at Karachi accepted the Pact, could work the provisional Government, namely, on the definite assumption of future Dominion Status with the substance of Independence. The workability or otherwise of the constitutional proposals as I have been able to read them cursorily in the newspapers is a problem which I have not the boldness to undertake to persuade the Congress to support. At the same time, if peaceful conditions for the evolution of Independence are possible, I would be the first to use the influence which I possess with my friends in the Congress to induce them to agree to suspension of the strife and operation after examination of the provincial constitutions, as in my opinion they may be a truer test of the real transference of power. The provisions relating to special powers appear to me framed in a spirit of distrust but recognising as I do the value of supreme authority in extreme cases of emergency consistently with the principle of full powers being delegated to Congress presidents during the recent strife and emergencies, I would not attach undue importance to those if they were sufficiently counter-balanced by the effective voice and authority of the legislatures. As I often expressed my unceasing readiness for honourable co-operation, I would repeat once again the need for a great gesture from the Government which may heal the wounds of the last year and offer a fair basis for bridging the gulf of misunderstanding and creating an atmosphere of trustful co-operation. I regret, therefore, and Your Excellency will appreciate my inability to express any detailed or definite opinion in the matter of Congress policy without the free co-operation of my colleagues in the Congress."



**12th. *Alleged ill-treatment of Delegates to the Congress* :—**About twenty-four members of the Legislative Assembly forwarded to Sir Harry Haig, Home Member, a long statement, prepared by Pandit Madan Mohan Malaviya, containing certain allegations against the Police in respect of the treatment accorded to several Congressmen arrested in connection with the Congress session. The Assembly members requested the Home Member to enquire into the allegations. The Home Member replied to them stating that he had forwarded a copy of the statement to the Government of Bengal asking them to enquire into the allegations.

**15th. *The National Liberal Federation* :—**The fourteenth session of the National Liberal Federation of India met at Calcutta, Dewan Bahadur M. Ramachandra Rao presiding. Mr. J. N. Basu, Chairman of the Reception Committee, in welcoming the delegates characterised the White Paper as 'profusely punctuated with hesitation and mistrust'. The Rt. Hon. V. S. Srinivasa Sastri, proposing Mr. Ramachandra Rao to the chair, observed that it would be wrong to stand back. 'Our business is to see that we take a hand in the work if possible and that, if we cannot improve it, we should at least see that we do not hold it back'. The President dwelt at first on the great change in the British policy towards the Indian question after the advent of the National Government, and on repression and the ordinances. He next examined the contents of the White Paper and said that the solemn pledges of British statesmen had not been carried out. There was not any attempt, he said, in the White Paper proposals to set up India as a self-governing dominion from now or to lead to it in the near future, with a period of transition during which certain powers would be reserved. He criticised the whole scheme and observed that unless it was modified there was no chance of its acceptance in the country. He concluded by saying that the essential need was united action among the political parties and leaders at this supreme crisis in the affairs of the country.

**16th. *Karachi Merchants' Association condemn White Paper* :—**Characterising the White Paper proposals as quite unsatisfactory and derogatory to the self-respect of India, the Karachi Indian Merchants' Association Committee made a number of suggestions for constitutional reform. The committee said that in the event of the Princes agreeing to join the Federation, it should be laid down that the representatives of the States should be elected by the States' subjects. In the Centre, only Defence and Foreign Relations should be reserved and that only for a specified period.

*The Federation of Indian Chambers of Commerce* :—The sixth annual session of the Federation of Indian Chamber of Commerce was held at New Delhi with Mr. Walchand Hirachand, the President, in the chair. After the address of the President, resolutions were considered. The Federation was of opinion that the White Paper proposals were unsatisfactory and the safeguards proposed would be detrimental to Indian interests. It appealed to His Majesty's Government to substantially amend it. The Federation urged the necessity of putting an embargo on the export of gold and protested against the Government policy in keeping the rupee linked to sterling.

**17th. *The Liberal Federation and the White Paper* :—**At the Liberal Federation, Mr. Srinivasa Sastri, moving the resolution on White Paper, said: "Let the Government create political appeasement and satisfy the demands of the people and so far as the demands go, let me repeat for the hundredth time that Congressmen and we differ very slightly. It is perfectly satisfying to me to be a member of the Self-Governing Commonwealth, but I must be a member of this Self-governing Commonwealth on equal terms with Great Britain, Canada, South Africa and other Dominions". He severely criticised the proposals regarding the question of the Service. Pandit Kunzru supported the resolution and emphasised that a definite scheme of Indianization of the Army was essential. Winding up the debate, Mr. C. Y. Chintamani said that he did not want the scheme outlined in the White Paper to be translated into an Act of Parliament. The resolution recorded its "sense of disappointment at the proposals of the White Paper as they are over-weighted with safeguards which are not only not demonstrably in the interests of India during a transitional period but are much more in the interests of the United Kingdom". It added that nothing less

than conferring the status and powers of a Dominion on India would satisfy India.

**19th. Death of Mr. Hasan Imam :—**Mr. Hasan Imam died to-day at his Patna residence. Mr. Imam was leader of the Bar, and was among the few lawyers in India earning a fabulous income. He presided over the special session of the Indian National Congress in September 1918. He was a Judge of the Calcutta High Court from 1912-16. Mr. Hasan Imam was the second Indian to represent India at the League of Nations in Geneva. He was a prominent member of the Khilafat Delegation which visited England.

**20th. Indian Delegation to Joint Select Committee :—**The Joint Select Committee decided to call into consultation the following representatives from the Indian States and British India :—(Indian States) : Sir Akbar Hydari ; Sir V. T. Krishnamachariar ; Nawab Sir Liaquat Hayat Khan ; Sir Manubhai Mehta ; Mirza Sir Mahommed Ismail ; Sir Prabha Shankar Pattani ; Mr. Y. A. Thombare. (British India) : His Highness the Aga Khan ; Sir C. P. Ramaswami Aiyar ; Dr. B. R. Ambedkar ; Sir Hubert Carr ; Mr. A. H. Ghuznavi ; Sir Henry Gidney ; Sir Hari Singh Gour ; Mr. A. Rangaswami Iyengar ; Mr. M. R. Jayakar ; Mr. N. M. Joshi ; Mr. N. C. Kelkar ; Sir A. P. Patro ; Sir Abdur Rahim ; Sir Tej Bahadur Sapru ; the Hon'ble Sir P. Sethna ; Dr. Shafaat Ahmed Khan ; Begam Shah Nawaz ; Sir N. N. Sircar ; Sirdar Buta Singh ; Sir Purshottam Thakurdas and Chowdhury Zafarullah Khan.

**22nd. Bombay Indian Merchants' Chamber's Disapproval of Reforms :—**An extraordinary general meeting of the Indian Merchants' Chamber, Bombay, held under the presidency of Mr. Mathradas Vasanji, Vice-president, passed a resolution disapproving of the Government's scheme of reforms as retrograde and falling far short of expectations. The Chamber was of opinion that no useful purpose would be served by participation in the consideration of constitutional changes unless and untill full political liberty was restored to every section of the population and measures were taken to secure the co-operation of the Congress.

**23rd. Gandhi-Ambedkar Interview :—**Dr. Ambedkar had an interview with Gandhiji regarding the question of altering the pannel system of election for Depressed Classes agreed to in the Poona Pact. He said that such a system involved a double election which would be a costly paraphernalia. He advocated a system of single election and no candidate for the Depressed classes seat in a general constituency should be declared elected unless he had secured at least twenty-five per cent of the Depressed Classes votes. Gandhiji asked for time to consider the suggestion of Dr. Ambedkar. He promised to consider it and intimate his decision to London.

**26th. Diehard opposition to White Paper :—**The Horsham and Worthing Conservative Association passed a resolution by a large majority against the White paper. The resolution demanded that the Indian question should be settled on the basis of the Simon Report except that law and order should be under the control of the Governor-General. The Political Committee of the Manchester Constitutional Club demanded that the control of the Police force should be reserved and declared that the White Paper had failed to provide protection for British trade with India. The Eastbourne Conservative Association advised the Government to proceed with caution.

**Mr. Baldwin's defence of Indian Polity :—**Warm defence of Government's Indian policy was made by Mr. Baldwin, speaking at the annual meeting of Bewdley Unionist Association, Worcester. He declared that if Britain did not advance the generous right hand of fellowship to India, then India would be lost for ever. Mr. Baldwin likened the safeguards to the dual control in an aeroplane and said that when a man was learning to fly, the man sitting beside the pupil was not there to get in his way but to help him and if he saw that a crash was coming he was going to act. He stressed that the final word was not with the committee but with the Parliament.

**Conviction for burning copy of White Paper :—**The Sub-Divisional Officer, Deoghar, sentenced five Congress volunteers on a charge of burning copies of

the White Paper, three of them to four months' rigorous imprisonment each and two to three months.

*Mr. Shaukat Ali proposes to meet Viceroy*:—Moulana Shaukat Ali returned to Bombay from his American tour. Presiding over the Gujerat Moslem Political Conference, Maulana Shaukat Ali said that he wished to promote peace not only between Moslems and Hindus but also between Britain and India. He hoped to meet Pandit Malaviya at Delhi and then proceed to Simla and ask for an interview with H. E. the Viceroy. Regarding the White Paper the Maulana said that he hoped the Joint Committee would remove the useless safeguards and brakes that ruined and spoiled the gift. Unless confidence and trust were created, no constitution could be a success or acceptable. Toleration and goodwill were more important than safeguards and brakes.

**28th.** *European support to White Paper*:—Sir Hubert Carr, writing in "The Times", criticised the diehard campaign and declared that the British community in India was generally definitely in favour of the principles of the White Paper, which, with certain amendments, they hoped would form the basis of a new Act. "The community is wholly alive to risks involved in the evolution of responsible Government and there are certain conditions relating to the Federation and the introduction of reforms which they will insist with all the influence they can command. The community is equally alive to the dangers of refusing to gratify aspirations which had been persistently encouraged for many years."

**30th.** *Gandhiji on Dr. Ambedkar's proposal*:—In the course of a leading article in "Harijan" referring to the proposal of Dr. Ambedkar, Gandhiji said that "the proposals seems to be of no advantage to Harijans. The alternative to the panel system seems to be fraught with grave danger. So far as I can see and so far as the system of reservation prevails, the panel system is best adapted for securing the election of only those candidates who in Harijan opinion are best fitted to serve their interests, whereas I can see nothing but seeds of strife and bitterness in the alternative proposal". Gandhiji added that while the panel system gave an opportunity to Caste Hindus to have some say in the election of Harijan candidates, Dr. Ambedkar's alternative might well deprive Caste Hindus of any say whatever and thus create an effective bar between Caste Hindus.

*Opposition to Dr. Ambedkar's suggestion*:—That the electoral method contained in the Poona Pact should not be altered until and unless it is given a fair trial and is found wanting was the opinion expressed by Mr. B. J. Deorukhar, Nationalist Depressed Class leader in a statement to the Press. Mr. Deorukhar observed that the present move on the part of certain people to get the Poona Pact revised was a subtle one to keep the Nationalist elements among the Harijans out of the Councils. Mr. Gavai, General Secretary, All-India Depressed Classes' Association, in the course of a statement to the Press, said that the Poona Pact was partially based on joint electorate principle and as Dr. Ambedkar's suggestion seemed to be a negation of that principle, it should be rejected.

## MAY 1933

**1st.** *Mahatma to fast again: Bombshell from Yervada Jail*:—Gandhiji announced his intention to commence on 8th May an unconditional and irrevocable fast for twenty-one days, in connection with Harijan Work. In a statement issued to the press, Gandhiji said that the fast was against nobody in particular but was a heart-prayer for the purification of self and associates. He warned others of following his example without previous preparation and discipline. He asked his friends not to urge him to postpone, abandon or vary the approaching fast in any way. In an interview with the Associated Press Mahatma declared: "Unless God or the Devil, whoever possesses me, comes to the rescue and says, 'No, you must not fast,' there is no possibility of my changing the decision of fast; nor unless someone with a clearer vision than myself convinces me that I could



not possibly have been possessed by God, but that clearly this is a suggestion from the Devil." He added: "I have not hesitated to correct my error before now, but the conviction has to become clear to me that it is an error." Mahatma Gandhi cheerfully answered most of the questions he was asked and said that he was more than optimistic about his ability to stand the twenty-one days' fast. He took the decision at midnight on Saturday and after three days' unrest, slept peacefully that night.

*Seizure of Congress Cawnpore Report*:—More than one thousand copies of the Cawnpore Congress Enquiry Committee report were seized in Allahabad, as the result of vigorous searches carried on by the police in some places. All the copies detained at the Allahabad railway station (about 190) were also seized. Instructions to the police were to the effect that all copies of the publication were to be treated as unauthorised news-sheets, until further orders.

**2nd. The Road-Rail Conference**:—The Road-Rail Conference held its sessions in Simla under the Chairmanship of Sir Frank Noyce. The Conference was of opinion that in the general public interest, a more intelligent co-ordination and increased co-operation of effort between the various authorities and interests concerned in the matter of future railway developments and development of road communications were essential. In order to secure better co-ordination between various forms of transport, it was considered essential that motor transport should be organised under authoritative control. The statutory provision which at present limits the operation of motor services by certain railways should be repealed. It was also thought necessary that a co-ordinated plan should be drawn up for standardising taxation of motor transport. The Conference then discussed the question of road development fund, the resolution on which recommended the drawing up of a comprehensive plan to examine the possibility of the development of both the main and subsidiary roads from loan funds within the limits of the resources available for their maintenance. The last item on the agenda of the Conference was the establishment of a suitable machinery at the Centre and in the Provinces to ensure adequate co-ordination between road and rail transport and their future development. The need for such co-ordinating machinery was generally accepted.

**6th. Round-up of North Indian youths at Madras**:—A sensational raid was made by the police, on a house in the northern end of George Town, Madras where four youths from North India were residing. These youths were alleged to have some connection with the raid on the Travancore National Bank at Ootacamund and on information received that some Northerners were residing in a house in Linghi Chetty Street the police party raided the house. Seeing that they were cornered, the youths who were armed with revolvers and rifles put up a fight. One of the youths threw a freshly manufactured bomb at the police, resulting in injuries to a head constable and a police officer. After an unsuccessful attempt to escape all the young men were captured by the police. One of the young men subsequently died of a bullet wound received by him during his encounter with the police. After a thorough search of the rooms occupied by the young men, the police seized disguises, khaki uniforms, ammunition belts, revolver holsters, gun-powder and chemicals. More than Rs. 1,000 in currency notes were also recovered from the youths.

**8th. Mahatma Gandhi commences fast: Released**:—Mahatma Gandhi began his 21 days' fast exactly at 12 noon. He was released in the evening. Mr. Wilson, Inspector-General of Police, Bombay, who served the order of arrest on the Mahatma last year, informed Gandhiji that the order served on him under the Bombay Regulation, under which he was detained, had been withdrawn. A Government communique said that Gandhiji was released in view of the nature and objects of the fast which he was undertaking and the attitude of mind which it disclosed. Col. Doyle, Inspector-General of Prisons, drove Gandhiji and Mrs. Sarojini Naidu from the Yerrawada Jail to Lady Thackersay's Marble Palace at the top of the Yerrawada Hill.

*Civil Disobedience Suspended*:—Mahatma Gandhi announced the suspension of the civil disobedience movement for a month. This sensational announcement was made by Gandhiji in a statement following consultation with and the

approval of Mr. M. S. Aney, Acting Congress President. Gandhiji appealed to the Government to release all the political prisoners and withdraw the Ordinances. He added that if he survived the ordeal of the fast he would take up the thread where it was interrupted on his return from England.

*Appeals to Gandhiji to reconsider* :—Mr. T. A. K. Shrewani, Sir Tej Bahadur Sapru, Mr. M. R. Jayakar, Sir Provashankar Pattani and Pandit Malaviya sent messages to Gandhiji, appealing to him to reconsider his decision to fast. Dr. Ansari wanted a promise from the Mahatma to break his fast as and when medical advisers would regard the Mahatma's life to be in danger. In a statement drafted by Gandhiji just before the commencement of the fast, he said that such fasts were indispensable for him and added that his fast was not undertaken to oblige Harijans but for purification of self and associates. Sanatanists need not scent further coercion in the fast, since it cannot be broken before its period even if every temple was opened and untouchability wholly removed.

*Dr. Tagore's message to Gandhiji* :—Dr. Rabindranath Tagore sent the following message to Gandhiji: "Great anxiety darkens the country owing to your tragic resolve. Pray reconsider your decision for the sake of humanity which cannot spare you now. We claim your living guidance in these fateful days of India's history, when our future is being shaped and our millions depends upon your wisdom."

*9th. General Smuts' Tribute to Gandhiji* :—"A great South African" : This was General Smuts' description of Mahatma Gandhi given in the course of his conversation with Mr. Sorabji Rustomji, President of South African Indian Congress. Gen. Smuts said : "I regard him as a great South African. South Africa has produced some great men and Mahatma Gandhi is one of them. He is also one of the great men of the world". Speaking with feeling about the fast, General Smuts said he did not regard a fast of twenty-one days as a joke. He doubted if Mr. Gandhi would endure it.

*Government's Response to Gandhiji's Proposal: An Emphatic 'no'* :—An official communique of the Government of India issued this evening stated : "The release of Mr. Gandhi consequent on his undertaking of a prolonged fast which, as he stated, was wholly unconnected with the Government and solely connected with the Harijan movement indicates no change whatever in the Government's policy towards the release of Civil Disobedience prisoners or towards those who openly or conditionally support the Civil Disobedience movement. The position of the Government in regard to the release of Civil Disobedience prisoners was stated by the Home Member in the Legislative Assembly on the 1st April last in course of which he said : "If, in fact, the Congress do not mean to revive the struggle, why should not that be made plain ? If there are mental reservations that if the policy of the Government is not to their liking they will hold over the head of the Government the threat of revival of the Civil Disobedience movement. There can be no co-operation under the menace of renewal of Civil Disobedience. We have no wish to keep prisoners longer than circumstances require. Equally we are determined not to let them out when their release might lead to the renewal of the Civil Disobedience movement. We must not risk the re-starting of the trouble by a premature action. The position has been summed up in the words used by the Secretary of State in the House of Commons. He said we must have convincing reasons to believe that their release could not be followed by revival of Civil Disobedience. A mere temporary suspension of Civil Disobedience intended to lead up to negotiations with the Congress leaders in no way fulfils the conditions which would satisfy the Government of India that in fact the Civil Disobedience movement has been definitely abandoned. There is no intention of negotiating with the Congress for the withdrawal of Civil Disobedience or of releasing the leaders of the movement with a view to arriving at any settlement with them in regard to these unlawful activities.

*Bose-Patel statement : 'Confession of failure' : temporary suspension of C. D. movement* :—"The latest action of Mahatma Gandhi in suspending Civil Disobedience is a confession of failure" declared a joint statement of Messrs. Patel and Subash Bose given exclusively to the Reuter. The statement proceeds : "We are clearly of opinion that Mahatma Gandhi as a political leader has failed. The time has, therefore, come for a radical re-organisation of the Congress on new

principle with a new method for which a new leader is essential as it is unfair to expect Mahatma Gandhi to work a programme not consistent with his life-long principles. The statement added: "If the Congress as a whole can undergo this transformation, it will be the best course. Failing that a new party will have to be formed within the Congress of radical elements."

**15th. Judgment in Arms Conspiracy Case:—**After a protracted trial continuing for nearly eight months, judgment was delivered in the Nagpur Arms Conspiracy case. Sentences ranging from five to two years' rigorous imprisonment were awarded and the accused Maganlal was sentenced to pay a fine of Rs. 1,000 in default to six months' additional imprisonment. The accused received the sentences calmly and appeared quite cheerful.

**17th. U. P. Liberals Decry Government Policy:—**The Committee of the United Provinces Liberal Association adopted a resolution, stating that it had read with deep regret and strong disapproval the Government of India's communique of May 9 which embodied a policy of intransigence towards the Congress even after the suspension of civil disobedience. The Committee was convinced that this was not the way of ordered progress, which was only possible by a policy of trust and conciliation. The Committee reaffirmed its conviction that in the best interests of the country political prisoners should be released on abandonment of civil disobedience, and that conversations should be resumed between the representatives of the Government and the Congress on the proposals of constitutional reforms.

**19th. Kalpana Dutt and 3 others arrested: Suspected Armoury Raid Absconders:—**After about 5 months' laborious search, the police and military succeeded in arresting Miss Kalpana Dutt, wanted in connection with section 109. Cr. P. C., during the hearing of which she escaped, at village Anwara. With her were arrested three persons, suspected to be absconders of the Armoury Raid case. They were Tarakeswar Dastidar, Sudhindra Das and Prasanna Talukdar. Two were killed during the exchange of shots. Their names were Monoranjan Das and Purno Talukdar. Rewards varying from Rs. 200 to Rs. 500 had been offered for their arrest. These were notable arrests after the arrest of Surya Sen on the 16th February last. Kalpana was arrested on the 24th November and was standing trial under section 109, Cr. P. C. on a charge of concealing her presence in the garb of a male, and was released on a bail of Rs. 3000 and two sureties of Rs. 1000 each. She had been missing since December 28. Later, on the 14th January, the two sureties were ordered to pay Rs. 1000 each on their failure to produce Kalpana on the fixed date of hearing. The order was upheld by the High Court.

**21st. Alwar Maharaja going Abroad:—**The Maharaja of Alwar left the State to-day for Mount Abu, whereafter he went abroad for a year or two. Matters relating to the internal administration of the State had taken an acute turn owing to differences of opinion between the Maharaja and the British authorities on the question of revenue collection and remission of taxation. The Treasury was depleted and the collection of revenue slow. Apparently, all attempts by the Maharaja to raise loan privately were unsuccessful. The Government of India informed him that if they were to lend financial help, they would insist that the Maharaja should fix his privy purse between two and three lakhs annually. According to a Government Press Communique, during the absence of the Maharaja from his State, "the Prime Minister will have full authority to carry on the administration, and to deal with the conditions which have led to disturbances with the State." A comprehensive scheme of retrenchment had been drawn up and were rigidly imposed, with the sole object of rehabilitating the State finances. It was reported that the Government of India were seriously considering the advance of a loan of fifty lakhs. The Maharaja himself will supplement it by a voluntary surrender from the privy purse which will now be reduced to roughly three lakhs annually.

**22nd. Police raid in Calcutta:—**Dinesh Majumdar who was convicted in the Dalhousie Square bomb case and who escaped from the Midnapore jail, Nalinidas, who escaped following the outrage at Chandernagore, and another were arrested by the police following an exchange of shots. The police raided a house in Cornwallis Street opposite the Chitra Cinema house, whereupon, the absconders fired at the police who answered the same, compelling the culprits to



surrender. Dinesh Majumdar was convicted in the Tegart case and was sentenced to twenty years, but escaped from the Midnapore Jail in December 1931.

**24th. Identity-tickets for Hindu youths :—**The District Magistrate, Chittagong, issued two orders under the Bengal Suppression of Terrorist Outrages Act. The first required all male Hindu bhadralok youths between twelve and twenty-five, residing within the jurisdiction of four thanas specified, including the Kotwalli to carry identity cards which must be produced for inspection whenever required. The second order directed Hindu students to read only in those schools which were situated within three miles of their respective places of residence, except under special circumstances. The order will have effect from the 20th June, after which the curfew order, at present in force, will be withdrawn from two of the four thanas but will remain in force in the interior of the district.

**26th. Death of Sir Zulfikar Ali Khan :—**Nawab Sir Zulfikar Ali Khan, member of the Legislative Assembly, died after a prolonged illness. Sir Zulfikar was born in 1875. He represented East Punjab Muslims in the Central Legislature. Sir Zulfikar was a Muslim leader with a catholic outlook. He presided over the Conference of Muslim leaders held at Lucknow preliminary to the Allahabad Unity Conference. Sir Zulfikar was a keen supporter of the cause of Hindu-Muslim Unity.

**28th. Hunger-strike in Andamans :—**The following Government of India communique was issued :—The Government of India have received information from the Chief Commissioner of the Andamans, that on the 12th May, twenty-nine prisoners convicted of crimes connected with the terrorist movement went on a hunger-strike in the Cellular Jail as a protest against certain alleged grievances not being redressed. They have since been joined by several others. One of these prisoners Mahabir Singh, who was convicted and sentenced to transportation for life in the Lahore Conspiracy Case, died on the 17th May. He started a hunger-strike on the 12th May. Up to the 16th May, his condition was satisfactory, though he was weak. The Senior Medical Officer saw him on the morning of the 17th May and considered that his general condition was then such that artificial feeding was necessary. Accordingly at 11 in the morning, milk with sugar was given by nasal feeding. The patient resisted very violently, both while the tube was being inserted and while milk was being administered. At 1 in the afternoon he was showing evident signs of shock. The Senior Medical Officer saw him twice during the afternoon and in the evening and prescribed treatment. In state of this, he gradually sank, and death occurred soon after midnight. A post-mortem examination was held and no signs were found of either external or internal injuries as a result of the operation of feeding. The patient's resistance in his weakened state caused a severe shock to his system, and led to his collapse and death. The Chief Commissioner is fully satisfied that all due precautions were taken from the moment forcible feeding was decided upon. The Government of India also regret to announce that another prisoner, Mankrishna Das, who was convicted of dacoity in Bengal, died of pneumonia on the 26th May. He started a hunger-strike on the 16th May. On the 17th May, food was administered through the mouth without resistance. On the 19th May, he was admitted into the hospital with lobar pneumonia. Throughout his illness, he took whatever was prescribed for him and gave no trouble whatever. His death, due to natural causes, was in no way accelerated by abstinence from food for one day. There are at present thirty-nine prisoners on hunger-strike. With one or two exceptions, their condition is reported to be quite satisfactory.

**29th. Gandhiji breaks fast :—**Gandhiji broke his fast at 12-20 p. m. to-day taking two ounces of orange juice. A small, but representative gathering, including Harijans, witnessed the solemn function that preceded by breaking of the fast. Prayers lasting half-an-hour included the recitation of Hindu hymns by Mr. Mahadev Desai, chapters from the Koran by Dr. Ansari and chapters from Zoroastrian and Christian scriptures. Mahatmaji, in the meantime, lay peacefully on the couch listening to the chanting of prayers. Just before taking the orange juice which Mrs. Gandhi was holding for him at the bed-side, Gandhiji dictated to Mr. Mahadev Desai a brief message urging the gathering to join in the prayers at the time of his breaking the fast. The following is a translation of Mahatmaji's message :—Within a minute or two, I break my fast in His name and with faith in Him. In His name it was taken. In His name it

terminates. My faith in Him is not less to-day, but more. You will not expect me to make a speech on this occasion. It is an occasion for praising the name and singing the glory of God.

*Police open fire on Calcutta Strikers* :—About 150 conservancy coolies and carters employed by the Calcutta Corporation were arrested following a serious disturbance between them and the police in and about the residential quarters of the former in Lower Circular Road. A large number of the arrested men were reported to have received more or less serious injuries. Three rounds were reported to have been fired without anyone being wounded as a result thereof. The disturbance was the outcome of the demand of certain conservancy coolies to have their salaries increased, which demand the Corporation definitely refused to meet. These men were joined by about 3,000 carters. About 1,000 of them were noticed in the evening to be loitering about, and sitting in front of the conservancy office obstructing public thoroughfares. Police intervening with a view to controlling the situation, the men became restive and began to throw stones and brickbats. It was understood that most of the strikers received injuries when they jumped from the roofs of their quarters in order to join those who attempted to invade the office.

*Sham Provincial Autonomy : Sir N. N. Sircar's Analysis* :—Speaking at a meeting of Conservative M. P's and their friends in London, Sir N. N. Sircar, one of the Bengal Hindu delegates at the Joint Select Committee, analysed the implications of the White Paper relating to transfer of Law and Order in the provinces and maintained that the proposals in the White Paper were calculated not to amount to a real transfer of Law and Order and the language of the "safeguards" destroyed the reality of the so-called transfer. He held that if Law and Order were not going to be really transferred, it would be more straightforward to say there was no intention of granting Provincial Autonomy. Regarding special crimes, such as those committed by terrorists, Sir N. N. Sircar took up the position that if it was intended the Governor should have control over these crimes. In respect of other crimes, the Governor should not interfere at all. As the safeguards and "directions" now stand, the Minister cannot be made responsible for the Police.

**30th. Hunger-Strike in Andamans** :—A crowded public meeting was held in Calcutta, the Mayor presiding, when concern was expressed at the news of the continued hunger-strike of thirty-nine political prisoners in the Cellular Jail, Andamans, and the death of two convicts. The meeting demanded an immediate enquiry into the circumstances leading to the death and the hunger-strike. The meeting strongly protested against the reopening of the Andaman Cellular Jail for political prisoners from India in the teeth of the vehement popular feeling against it. The meeting opined that the political prisoners in the Andamans should immediately be brought back to India, so that the conditions of their jail life might more effectively be supervised both by the Government and the public. The Government of India regret to announce that another prisoner named Mohit Mohan Maitra convicted in connection with the terrorist movement in Bengal and transferred to the Cellular Jail, Andamans, died of double lobar pneumonia on the 28th May.

## JUNE 1933

**1st. Tense Situation at Srinagar** :—The Kashmir Durbar issued the following communique to-day :—S. M. Abdullah and his two followers who had evaded arrest all day were arrested at 7-30 p.m. on May 31 at the Zaina Kadal Bridge. His followers obstructed the arrest by all means in their power but it was eventually effected. After this the parts of the city where trouble might have been expected were surprisingly quiet. But a mob of hooligans held up the traffic in



the Amira Dadal Bridge about 10 p. m., and had to be driven back by the police who were pelted with stones from all quarters and twenty to thirty received serious injuries. Pickets were placed to prevent the ingress of the mob into civil lines but a crowd of about 200 men evaded the pickets and demonstrated about 11 p. m. outside. They were easily dispersed but later, in defiance of the curfew order and of a warning, they attempted to cross the Amira Kadal Bridge. Three shots were fired by the military and four men were injured and taken to hospital. All was quiet after this during the night but crowds formed in the morning. A feature of most of the processions has been that they are all preceded by women and children.

**3rd. Journalists' Association on Calcutta Arrests :—**The Indian Journalists' Association passed the following resolution : "This meeting of the Council of the Indian Journalists' Association regrets to note that the Government of India's communique on Pandit Malaviya's charges of assault by the Police on Congress delegates states, as one of the reasons for holding the charges of Panditji to be false and malicious, that the Indian Press of Calcutta did not publish such incidents at the time. This meeting invites the attention of the Government to the repeated complaints made by the Association to the Government of Bengal regarding the rigid censorship of the Press by the Press Officer making it practically impossible for the Press to publish allegations against the Police. Yet, Calcutta papers published a report of the lathi charges on persons assembled for the Congress; and on crowds of sight-seers. As to the assaults alleged to have been committed on persons arrested while they were in police custody in the various thanas, the Press could not possibly publish such reports, the risk of publishing them being great in view of the general attitude of the Press Officer.

**6th. Appeal for Release of Politicals :** Headed by Dr. Rabindranath Tagore an influential body of leaders sent a cable to the Premier, the Lord President of the Council and the Secretary of State urging the release of political prisoners. In the course of their cable, they said : "We appeal to the statesmanship of His Majesty's Government to respond with alacrity to the gesture of goodwill made by the Congress, and thereby restore a favourable atmosphere."

*British Press support for release of politicals :—*The significance of the appeal of the sixty Indians for the release of political prisoners was stressed by "The Spectator" and "The New Statesman." The former urged the Government to give the most serious attention to it, and said that the appeal carried the great moral weight of the most responsible spokesmen for India, who know the country and desire that the Reforms should succeed. The paper said that the new constitution could not be satisfactorily applied without India's goodwill. Government should consider whether, at the present moment, when Civil Disobedience is out of favour, the release of political prisoners would not produce a better atmosphere for reforms. "The new Statesman" hopes the Government will pay attention to the remarkable telegram sent by Sir Tej Bahadur Sapru to release the political prisoners. It points out that the significance of this appeal lies in its signatories.

**7th. Why Andamans Prisoners resorted to Hunger-strike : Simla Explanation :—**The following communique was issued. "The latest report received from the Chief Commissioner of Port Blair in regard to the hunger-strike, (in the Andamans Cellular Jails), which was the subject of communiques issued on May 28 and 31 shows that there are now no cases of pneumonia and that the condition of strikers is generally satisfactory. The strike started among the "C" class convicts, who demanded concessions, which would, if granted, have had the effect of placing these convicts approximately in the same position as those in the class "B". "These concessions included supply of lights in cells until 10 p. m. and of a diet, which the free inhabitants of the island cannot obtain. Some "B" class convicts joined the strike mainly out of sympathy with the demands of the "B" class men and partly in support of the demands of their own, which included supply of foreign newspapers and permission to relieve money for personal expenditure. "The Government of India, with the permission of the Government of the Punjab, have asked Lieut. Col. Barker, Inspector General of Prisons, Punjab, who has special experience of hunger-strikes, to proceed to the Andamans for consultation with the Chief Commissioner in regard to medical arrangements.

- 10th. *Indian Political Conference in London : Mr. Bose's address:***—Strong criticism of the past leadership of the Indian National Congress was voiced by Sjt. Subhas Chandra Bose in his presidential address read at the Political Conference of Indians in London. Mr. Bose stated that as political fighters they had been neither sufficiently militant nor sufficiently diplomatic. If the Delhi Pact of 1931 was a blunder, the surrender of May 1933 was a calamity of the first magnitude. By suspending the Civil Disobedience Movement at a critical hour, the work, suffering and sacrifice of nation of the last 13 years were virtually undone. Discussing the future policy, Mr. Bose maintained that compromise between Britain and India was impossible because there was no community of interest. He urged Indians to rule out for ever the prospect of periodical compromises and urged the adoption of another fight for freedom on a bigger and more extensive scale, intellectual and practical preparation for which must be scientific and must rest on objective foundations. With reference to the White Paper, Mr. Bose said that the proposed Federation with Princes was an impossible and unacceptable proposition. He would certainly work for the federation of Indian people but he did not accept the proposals to substitute princes for the official bloc in the legislature.
- 12th. *Civilians' astounding claims:***—The Civil Servants' attitude with regard to security for pay and pensions, claim for compensation in the event of the abolition of certain senior posts, the Congress views on debts and Mr. Gandhi's declaration on the subject at the Round Table Conference in 1931 were among the subjects brought up before the Joint Committee in the cross-examination of the witnesses on behalf of the Civil Service Association. Sir John Kerr, on behalf of the Association, demanded that, in the event of abolition of such posts as Commissionerships, the members of the I. C. S. affected should be given compensation. The Association was unwilling that the Secretary of State's powers in relation to the Services should be transferred to the Governor General. Sir John Kerr suggested that the Governor should have a separate account in the bank with which the province kept the revenues and that account should be kept in funds necessary for the Governor to meet his special responsibilities. The All-India Association of European Government servants, the Indian Police Association and All-India Civil Engineers' Association reiterated the safeguards of the Civil Association. They urged the British Government to guarantee all pensions and if such guarantee was not forthcoming they claimed that adequate sterling funds should be deposited in Britain.
- 15th. *Sir N. N. Sircar's Warning to British Politicals:***—A grave warning was uttered by Sir N. N. Sircar at a London meeting against possible consequences of the Communal Award in Bengal. It was a great injustice, he pointed out, that "with the preponderance in population of 51 to 48 in a hundred of the adult population, Muslims should have been allowed 50 per cent. in excess of Hindus seats". Criticising the allocation of special seats, he warned the British people: "I consider it my duty to utter the warning, not as a threat, but as part of my sincere conviction, and as a friend, that, if the proposals remain unmodified, if Bengal Hindus rankle under a sense of grievous injustice and if the communal decision is taken as a "settled fact", probably in Bengal the consequences will not be dissimilar from those which followed from another "settled fact", the Partition of Bengal".
- 17th. *Another Six Weeks' suspension : Congress President's Statement:***—The Civil Disobedience movement was suspended for another six weeks, that is, till the 31st of July, 1933. After consulting Mahatma Gandhi after the Medical Board had given their opinion, Mr. Aney issued the following statement: "In view of the present state of health of Mahatma Gandhi and the doctors' opinion expressed in to-day's bulletin issued by the Medical Board, I hereby extend suspension of Civil Disobedience for a further period of six weeks that is, till the 31st of July, 1933."
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rigid censorship of Press reports in Bengal. It issued a statement in which it instanced the rigidity and intolerable lengths to which control by the Press officer was carried. The Association placed a number of suggestions before H. E. the Viceroy and also protested from time to time against the method of censorship. In conclusion the Association stated that if in view of the facts mentioned by it the Government persisted that there was no rigid censorship of the press, the Association and the Government must have very different ideas as to what constitutes rigid censorship.

**27th. Indian Women's Demand:**—Kumari Amrit Kaur, representing the All-India Women's Conference, Mr. Muthulakshmi Reddi and Mrs. Hamid Ali addressed a well-attended meeting to-day. They expressed strong dissatisfaction with the White Paper proposals for women's franchise. They advocated equal rights to all citizens without any sex-bar and failing adult suffrage they urged that women's vote should be based on simple literacy. The speakers emphasised the fundamental unity of Indian women and protested against any expedients, which were likely to divide them communally.

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# INDIA IN HOME POLITY

## INTRODUCTION

### I. THE GENERAL SITUATION

The political situation in India during the first half of the year 1933, was, on the whole, of less anxiety from the point of view of Law and Order. The year had opened with diminished figures of political prisoners in the Jails of India. In November, 1932, the total number of prisoners, men and women, had been 17,155 and 684 respectively; these figures had dwindled to 14,815 and 610 at the end of December. The surge of civil disobedience had gradually been subsiding to its low water mark, and dashing only in sporadic breakers upon the shores of Ordinance-concrete bureaucratic resistance. Those breakers were still high and in serried array on special occasions like the "Independence Day." But occasions were few and far between. The sentinels of Law and Order had now not only breathing time, but also time to stretch themselves now and then on their hitherto-unslept-in sheets and, even perchance, snatch a few moments' nap. This was true only of those who had to keep watch on the open ramparts of Government fortifications, that is to say, deal with the above-ground manoeuvres of the civil resisters. The civil resisters were less in numbers and their manoeuvres less engaging. The vigil could therefore afford to reduce its strength and relax its pressure. But not so with those who had to deal with the underground tactics of terrorism. They had their hands full. It could hardly be claimed that the Government positions were less anxious from the point of view of the terrorist menace. *Prima facie*, it was a case for even greater anxiety. For, part of the anti-Government activity, not now being converted into open and avowed civil resistance, might be converted into another kind of activity, viz., the secret, subversive activity of terrorism. This subversive activity may be gauged not only by its manifestation in overt acts, but also by the extent of its preparations for them. Now, during 1932 and the first half of 1933, the volume and the strength of this activity did not seem to have diminished either in respect of overt crimes or in that of active preparation for them. The dens of the terrorists were again and again discovered and raided by the police, and arms and ammunition recovered. This showed that, though, perhaps, the country could hardly be said to be honeycombed with terrorist societies, it was undeniable that the germs of violence had spread and, possibly, were still spreading. So, though Government were allowed to function under markedly relaxed pressure in its offensive and defensive against civil disobedience, it continued to work under high pressure in so far as its operation against terrorism was concerned.

### II. "THE RELAXED PRESSURE"

"The relaxed pressure," however, in so far as it was allowed with respect to the open offensive of the Congress, was, in an absolute sense, more a fiction than a fact. It is like the relaxed pressure under which

modern nations are supposed to function in times of "peace". The so-called times of peace are times of armed peace, times of intense war-preparedness. The substance of the nations in peace and amity with one another is pressed out of them under the cumulative weight of their armaments. The dead weight of militarism has sat upon the bosom of the world as an evil incubus. All the world is feeling it and groaning under it. For, there is no denying that its abyss of economic depression and its slough of unemployment have both in part been produced by it. The Disarmament Conference may have failed to find a way out. But it is undeniable that nations are almost dying for a way out. The so-called relaxed pressure of peace is, therefore, a very deceptive thing. Now, the Government of India was able to claim that it had brought back affairs very near to peace conditions, and that, consequently, it had been made possible for the machinery of Indian administration itself to work under a relaxed pressure. Upon a surface reading of the general situation in the country, one might, it is true, be almost tempted to admit that claim as valid.

### III. AN "ARMED" PEACE

But it must be remembered that the peace that has been secured is mainly an "armed" peace. Government may have relaxed its vigil on the ramparts, but it has not dared scrap its heavy armaments on its fortifications. The armaments set up under the ordinary provisions of Indian Law have, in all conscience, been heavy enough and formidable enough ; and experts have always opined that those armaments on the bureaucratic fortifications have been remarkable for the length of their range, immensity of their sweep and fatal accuracy of their aim. These heavy armaments have never been reduced. On the contrary, in and out of times of emergency, they appear to have been so trimmed and so primed and so operated as to make the merest shade of an affront to official authority or pretige a sure peril—as sure and swift and sweeping as the recent earthquake in North Behar. Section 144 Cr. P. C. has for example proved as convenient and as effective as an aerial bomb. Our well-meaning legislators have tried now and again to outlaw this aerial bombing from which nothing under the sun is exempt. But Officialdom has been obdurate. Even with all this, the peace secured would have been a more genuine and less deceptive peace, if other armaments of the tank-type had not been put on the fortifications and made a permanent feature of their fighting equipment. We refer to the Viceregal Ordinances which were subsequently placed on the Statute Book. It showed that, in official estimation, though the actual menace of civil disobedience was small, the potential menace was still great. That is to say, the factor which the Congress movement represented was simply held under force but not killed or eliminated. Like a highly expansible and explosive gas, that movement was squeezed into quiescent smallness under enormous pressure, so that, if and when that pressure were relaxed, the thing would forthwith expand and explode again. The equilibrium produced is, therefore, one that spells high pressure and tension. The peace achieved is, therefore, more or less a forced peace. Government's steady refusal to part with the very extraordinary and drastic powers assumed under the Ordinances, shows that they themselves cherish no illusions as to the realities of the situation.

They have won the battle, but cannot yet dare disarm. The "enemy" is, therefore, still alive, and may, from under the debris of defeat, rise stouter than ever. The so-called relaxed pressure of Government is not what it may seem.

#### IV. "THE RESERVE POWERS"

It cannot be pretended that the extraordinary powers have remained only as reserve powers or that the measures sanctioned by statute have remained only as preventive measures. The powers have been in exercise, and the measures have been in operation. Officialdom have not forgotten to be zealous in the exercise of those powers, or jealous of any encroachment upon them. The Congress organisations have been declared unlawful, and any size of activity on the part of such organisations, such as picketing, flag-hoisting or Independence Day celebrating, has been suppressed with a zeal and fortitude never caught napping or bending. Yet flag-hoisting and Independence Day celebrations are not *ipso facto* sins. They become so in the hands of the "out-lawed". When, for example, the Indian National Congress decided to hold its 47th session in Calcutta (and it was actually held on the first of April despite all drastic measures to foil its plans) and notified its intention of doing so, and a Reception Committee was, in due course, formed in Calcutta in furtherance of that object, Government showed no disposition to blink the deliberated defiance. Under powers conferred by Section 16 of the Indian Criminal Law Amendment Act of 1908, as amended by the Devolution Act of 1920, the Bengal Governor-in-Council declared the Congress Reception Committee an unlawful association as "the association had for its object interference with the administration of law and maintenance of law and order, etc." The Chairmen and successive General Secretaries of that unlawful association were promptly taken into custody. Yet preparations for the holding of the Congress session went apace. Be it remembered that Government had not declared the Congress itself an unlawful body. So, such preparations in the name, and in furtherance of the object, of that body were never *prima facie* unconstitutional. The Reception Committee was outlawed by a special stroke of the pen. It was, however, a stroke that came easy enough and sure enough. The bureaucratic pen has not only a knack but a genius for making unerring telling strokes. They ever come ready at the opportune moment. But the stroke that damned the Reception Committee could not arrest the Congress. For, it had been the pleasure of the powers that be to grant the Idea (in the Platonic sense) or the abstract entity of the Congress itself a sort of tentative sufferance, a kind of revokable-at-pleasure passport in the precarious state of Indian constitutionality. And its pleasure was, and is, law. All concrete, material embodiments of the Congress Entity had, of course, been declared outlaws. Was the pure abstract Congress given sufferance, because, though Whitehall had to chastise the flesh that sinned, it was yet christian [enough not to damn the soul, the spirit that might make amends? The spirit might repent one day and ask for forgiveness; and, then, the benign Providence of Indian destiny might stay its hand of thunder and grant pardon and grace.

Whatever the reasons might or might not have been, the rod that



chastised the flesh and punished its many sins of omission and commission, had spared the soul. But ample care was taken that a too lenient sparing of the rod might not spoil the "child". For, had not the soul of politically-minded India been, for half a century, like an wayward child and crying the moon? Lollypops are for children and vice versa; but lollypops of reforms, or boons as they were called, had not made the children behave. They had only made them cry for more. Liberty to children was not a thing in the gift of Providence; even it were, Providence would not give it them. For, does not such liberty turn into license, nuisance and mischief?

#### V. THE CALCUTTA CONGRESS SESSION

However that be, the resourcefulness of Whitehall or Simla Providence is proverbial: it is equal to all possible exigencies. The soul of the Congress might be suffered to remain as a prospective penitent, but, in the mean time, no quarters were to be given to any recrudescence of its wayward, mischief-making propensities. On March 25, therefore, the provisions of the Chapters I and II of the Bengal Public Security Act of 1932 were called into full operation by an Extraordinary Notification in the Calcutta Gazette, which recited the usual *Mantra* of the ceremony of conjuring an unceremonious emergency measure: "as the Governor in Council was satisfied that by reason of a movement subversive of law and order a state of emergency had arisen of such a kind that the existing powers of Government were inadequate for the maintenance of public security in that area," etc. The provisions of the said Act were extended to areas through which a Congress attack could possibly be made upon Calcutta, by land or by water. By such blockade, Calcutta was sought to be made Congress-proof. The day of Airways blockade had not yet come. At any rate, the "enemy" had not yet managed to fly. Its offensive was still confined to two dimensions of space only. The violence party had, of course, improvised a third dimension by burrowing in the ground. Modern world powers have, of course, laid their offensive and defensive tactics in accordance with an non-dimensional scheme. They can attack on or under land and water, and on conceivable planes of space. They are still assiduously working at the metaspaces and hyperspaces. They are taking lessons from Moloch bent upon destroying not only what is euphemistically called civilisation, but God's fair and wide creation itself.

#### VI. HOW IT WAS DEALT WITH

Now, by a Notification in the Gazette, Government blocked all possible avenues to the proposed venue of the Congress session. The Notification was issued under a Public Security Act. The Congress delegates were, however, fully prepared for this. They were bent upon disobeying the order, and taking the consequences of their misbehaviour. A large number of arrests were made *en route*, of Pandit Madanmohan Malviya, Sriyut Aney, and others. But hundreds of delegates could still find it possible to filter in through the granite wall of the Emergency Notification. Many had eluded somehow or other the no-thoroughfare rope obstruction at the far-away outposts; some had managed to slip through the barbed-wire fencing nearer home.



Still others had entered by discarding civilised conveyance altogether : they had come as pilgrims on foot. Whatever were the modes of locomotion or the methods of approach, on the first day of April at the scheduled time, several hundred delegates, men and women, and a goodly number of spectators, assembled near the Esplanade, Calcutta, and did hold a brief session of Indian National Congress in the midst of prompt, dramatic arrests and regular lavish lathi charges. Two supplementary meetings, under the same sweet soporific conditions, appeared to have been arranged in the northern and southern parts of the city also. Feeder processions to the main whirlpools of Congress demonstration were in many cases stopped by dams of regulation lathis of Police infantry and lances of Police cavalry. But a few had succeeded in striking into unexpected, unguarded by-paths, and reaching their "ordeal of fire". Yet Government precautions on that day, and for some days previous to that day, had been as elaborate as could be possible or as perfect as could be desired. In fact, the city wore, particularly in its public squares and maidans, the aspect of a city besieged and under martial proclamation. To all appearance, it was not a mere flea that Government had arranged to blow from its big guns. The magnitude and elaborateness of the counter-action were in themselves proof sufficient that, even in the estimation of Government, the disabled and defeated Congress was still very much alive and kicking. The springs that fed the steam of the Congress movement were not yet dead. We wonder if after the sensational Congress session in Calcutta here described, Government did not work out in their minds a problem of simple ratio proportion. If the Congress could create such a stir and make such a show (a show, by the bye, which cost many of them the peace and integrity of their bodily selves) in the face of such drastic and determined Government preventive and "curative" action, what could it do or not do in the absence of such counter-action? If the Congress could prove so stiff and so tenacious under such enormous Government pressure brought to bear upon it, what would it prove to be if and when that pressure was removed or relaxed?

## VII. EASY DELUSIONS

This question possesses not merely an academic interest, and officials and the general public should pause and ponder over this before running after easy delusions. To begin with, the so-called relaxed pressure of Government and of public administration generally, is not actually reduced pressure, but pressure that is only less kinetic or patent, but really, more potential and latent. The actual, real pressure in effective existence is the *sum* of the kinetic and the potential, of the actual and the possible. A determined Congress demonstration like that of the Calcutta session helps to bring above level the force that generally may lie under. On an occasion like this, Government have to requisition and harness to the full extent the powers that they have assumed under emergency legislation or fiat, and which, under normal conditions, that is, when no organised challenge to their function is there, may almost be believed by them or by the public to be reserve, if not nearly obsolete, powers like the vote in the self-governing Dominions.

## VIII. EMERGENCY POWERS

In justice to Government it must, however, be said at once that they had never regarded, or asked the public to regard, their emergency powers as merely reserve, latent, dormant powers which they would not be called upon to bring into use. They were never simply an extraordinary constitutional insurance against recrudescence of unconstitutionality. The powers had been assumed for securing three objects: Government had to bring under control forces that threatened to undermine its very foundations; Government had to function at a level of pressure where those forces might not be expected to prejudicially affect them; and Government had to maintain that level of pressure with a view to a safe launching of the new Constitution which India had been promised. This, in short, has been the fundamental principle governing the whole statics and dynamics of Indian Government. They must throw back the aggressor; they must hold him down; and they must grow and expand.

## IX. THE STATICS AND DYNAMICS OF GOVERNMENT

Here there was a *prima facie* case for Government. Possibly, any other government would or should have, in the given ensemble of conditions, acted as the Government of India did. The fundamental principle governing the statics and dynamics of governments apparently remains uniform even under presumably diverse conditions. The Government of Mr. De Valera and the Government of Sir Samuel Hoare do not function under identical conditions. Yet both may have recourse to very extraordinary and very drastic measures. Though the objectives may not be the same, the action which the one takes against the Blue Jacket is the same in principle as that which the other may take against the Gandhi Cap. Every government claims the inherent right to function. It claims also the implied right to remove impediments to its functioning. And every government has, according to its own lights, a vision of a future. De Valera's Government has set before it complete independence or full sovereignty; Sir Samuel Hoare's Government has its vision circumscribed by the White Paper. In either case, it has some point to move to. We do not now raise the all-important question whether that point carries things forward or backward. The Lenin-Stalin Dictatorships in Soviet Russia, the Mussolini Dictatorship in Italy, and the Hitler Dictatorship in Nazi Germany have all, in substance though in form, been very stern autocracies which have dragged and driven their flock of docile Democracy with nooses round their necks. It has been by all deemed necessary so to drag and drive them. For, have not the flock, left much to themselves, an unhappy knack of straying into the dirty ditch?

## X. A POINT TO MOVE TO

Now, the India Government had also set before it a point to move to. The point had been dotted on a White Paper spread on a Round Table, round which had sat White Gods with gaudy Indian mirrors, coloured black or brown, so set before them as to catch their reflexes. Those reflexes were designed to be picturesquely life-like and even inordinately vocal, like pictures of a boom talkie film. But still they were reflexes, and played not their own parts. Of course some half a

dozen of them seemed to have been possessed by a "spirit" which, occasionally, made them say funny things or indulge in inconvenient gestures. The White Gods must have immensely enjoyed the funny things said, and did not appear to have minded the inconvenient gestures much. In a moment of Irwinian quintessence of weakness, the gods had, by mistake, put a very live person upon one of the picture cushions. In him the gods caught a veritable Tartar. That was Mahatma Gandhi, who had carried not a cracker to scare but a live bomb (in the shape of the Congress mandate) to disconcert the gods. The gods, however, soon rose to the height of the occasion, and so arranged and arrayed the blazing movable mirrors that they flashed their borrowed brilliance full on his eyes whichever way he might turn; and so, out-manoeuvered and disconcerted, the Congress delegate had to come back not only to Indian soil, but to his wonted cloister in the Yervada Jail.

#### XI. MAKE THE BEST OF A BAD JOB

The nationalist Press in India continued, generally, to ignore, and, occasionally, enjoy the *tamasha* of the movable Indian mirrors arranged for our edification in London. For our part, we thought and still think, that many of the Indian gentlemen invited to London had accepted the invitation with a will to make the best of a bad job. For, it was a bad job to go as "nominees", and as representing practically nobody but themselves; it was a bad job to go packed in mutually unaccommodating communal compartments; it was a bad job to go with divided interest and counsel; it was a bad job to go with no assurance forthcoming from the Whitehall Providence that any Indian dispensation would be made even remotely realising the dream that all nationalist India dreamt; and it was bad job to go with an almost certain likelihood of being played and pitted against the one political organisation in India that knew how, and was trying, to create sanctions for the grant of the substance of independence. It was believed to be a bad job not only because nothing tangible was expected to issue from it, but also because, the Congress having to remain out of it, a Round Table Show of British statesmen and their nominees, in which the whole pantomime (a very vocal one) of constitution-making would be artfully staged, might, in actuality, prove a delusion and a snare. Many were reminded of a funny story in the Arabian Nights which told how a poor starving porter of the imperial city of Bagdad was treated to a mimicry of a banquet by a noble lord in his palace. The poor porter had good sense to humour the good lord in his pantomimical pleasantries. He heartily partook of the many imaginary dishes, and was convivial over the fictitious dessert and fancied wines. He even offered to dance to the accompaniment of an occult orchestra of unseen musicians. The good lord laughed and cheered in gracious glee. All the time, however, the poor porter was inwardly dying of inanition. But the reward of good sense came at last. A real, steaming regal repast was ordered, in which all that phantom flower of fancy grew into solid, delicious, luscious fruit. The porter was paid more than he had played for. A sumptuous dinner, purse full of sequins, and an invitation renewed.

#### XII. BLANK AND BLACK

Now, our Round Tablers have had their invitation renewed too.



There have been three grand sittings at the Table ; minor and informal sittings have been innumerable. In every one of these, the mimicry of eating out of actual dishes and drinking out of real cups, seems to have been assiduously gone through ; the poor "porters" have shown commendable patience and good sense in playing their desired and expected parts ; the noble hosts, too, seemed to have been mightily amused. But up to now, they have not ordered a real repast. The poor guests are dying of inanition, in their phantom Hotels' Royal. And they would fall to even a meagre actual fare carelessly served with ravenous appetite. But whilst their own empty bowels are being tickled by a tantalising feast, and the famished wolf of Indian poverty and discontent has been yelling at their very backs, a precious menu of minced reforms sandwiched between very toothsome safeguards has been placed on the Table in a White Paper. It is a very sublime paper, very precise and liberal as to the toothsome safeguards, and very vague and niggardly as to the minced reforms sandwiched between. It is, moreover, a paper all white except in places where the safeguards have been set in black and white. In all other places, it is all white on one side and all black on the other. As to the prospect of real, substantial Indian advance, it has commonly been taken as all blank and black. And it seems that the curtain is not destined soon to be rung down on the mimicry of a constitutional banquet staged in London. The blank and black bill of fare is going to be scrutinised, attested to, and made up by a joint Parliamentary Committee process, in which the honoured guests of the evening may have indeed their say to say, but in which our August Host of the Inn and none other shall have the right to say the Nay. At any rate, this is how the thing struck many of the Indian onlookers.

### XIII. "IN CAMP"

The White Paper and the Proceedings of the Joint Parliamentary Committee shall have their due measure of attention from us in the body of this Register. They need not detain us long in the Introduction itself. Let us come back to the point at which we made a digression into the realm of constitutionalism. We had been dealing with an unconstitutional, subversive movement and Government reaction thereto. While doing this, we ourselves had, unwittingly, caught an infection from the subversive agitator. We had been trying to explode a very plausible myth—viz., that Government, after succeeding in their manoeuvre to get round the Congress, were permitted to function under a reduced and relaxed pressure. The reduced and relaxed pressure is an appearance only, and has no reality. The effective force which Government had to use in their actual fight with the Congress movement, is now used to keep that movement in check or restrain the pace of its revival and rejuvenation. And the fighting force is not now dissipated and lost, but exists there as restraining and regulative force. It is not less effective in the latter form than in the former. The very active emergency powers now enjoying a statutory domicile in the Indian constitution, are proof positive that the fighting force has never been disbanded but has been located and configured in camps. In the areas which have not yet held up their "hands" and completely surrendered—which are, for example, still keeping up an appearance of a no-tax



campaign, or which show some violent propensities—the fighting force is not in “camp” even, but is made to march and manoeuvre and befriend the lovely, loyal countryside. The fighting force is encamped because Government want to consolidate the foundations of all generations of governments, alien or national or mixed, to come ; and it is made to march and manoeuvre and befriend the lovely, loyal countryside because Government do not want to vegetate or stagnate, but to march on the lines of the White Paper to the Promised Land, taking the lovely, loyal countryside with them, leaving the disloyal and the distrusting in the lurch.

As we began by saying, such a plan of camping, marching and manoeuvring comes natural to all governments. Whether a government has to work a Ten or Five or Four year Plan, it must plan and prepare and provide for the carrying out of that Plan. Without this planning, preparing and providing, it forfeits its right to exist and function. And in order to exercise this fundamental right, it has, now and again, to don the dictator’s robe of a Hitler or Mussolini. All may not be fair in love and war, but all is fair in modern statecraft and statesmanship.

#### XIV. TAKING STOCK OF ACTUAL CONDITIONS

That the Government of India has not really been functioning under reduced and relaxed pressure should be a patent and admitted fact to all who take sufficient stock of the actual conditions. The number of political prisoners, diminished and though diminishing, is still considerable. And this number includes not merely civil resisters, men and women, but also prisoners, men and women, actually convicted of violent crimes, or suspected of association with such crimes or organisations. The number coming under this latter category is also considerable. And the pressure or tension which the detention without trial of thousands of suspected prisoners involves, must be understood as a very high tension actually exerted on the Government which have recourse to the extraordinary and, presumably, unpopular measure of executive, extra-judicial punishment ; it also means—and we daresay, Government, too, fully appreciate this—a very high and acute tension exerted not only upon a wide range of people who happen to be the relatives and friends of the unfortunate detained, but also upon a much wider range of the public in general. The Andamans far out in the Bay of Bengal forms, no doubt, a zone and centre of high pressure and tension, which has appreciable repercussions on the Government barometer as well as on the public. It would have been a centre of pressure of less intensity and volume if it had not been far out in the Bay. It is the distance and “splendid isolation” of the Penal Settlement (which, by the bye, had been abandoned by Government as a guest-house for political offenders), that makes it a centre of such acuteness and wide range. But even as it is, its tension is not felt as insufferably great unless reports of something unusual—for instance, a hunger-strike in course of which some unfortunate prisoners succumb—reach in a straggling manner the Indian shores. Then, of course, the whole latent tension of a far-away penal settlement for politicals is brought home in all its painful, anxious intensity. But even this is not an everyday phenomenon. Generally speaking, the pressure of the Andamans is felt as a dull deadened pressure which may be

deep, but is not, except on occasions, poignant. Be it remembered that we are here referring to that wide range of the Indian public which evinces no sympathy with the Andamans cult of violence or its methods, but regrets the existence of that cult, and, from patriotic or humanitarian considerations, would be glad to see the lot of the misguided redeemed and made as bearable as it could be made in necessarily stringent conditions of penal servitude. But let us escape from the Andamans.

## XV. THE MEERUT CASE

The historical Meerut Case, again, which had dragged itself over a number of years and cost the public to the tune of not thousands but lacs, was brought to a temporary close by the award of the trying Court, which convicted all except three. Now, this State trial created a good deal of stir in this country, a part of which reacted on the peripheries of the Left-Wing Labour in England also. Apart from all its aspects of alleged criminality, and all its legal bearings one way or the other, the case represented an Idea that had been slowly but steadily taking root in the soil of India. And it had been a forceful Idea. We are not at all going into the merits of the case. We are referring merely to the very general and very pronounced Labour unrest and Labour upheaval all the world over. Whether one may or may not be prepared to go the whole length with the ideals and methods of Communism, one cannot pretend to be dead to the very wide and active influences seeking at the present moment to right the topsyturvydom of the social framework produced by an over-stressed capitalism, and restore what is called social balance and justice. These influences are, in the main, operating against the existing vested interests, political, economic and social. This is the Idea, the Urge. Of course there will be difference as to the interpretation of its full logical implication, and as to the correctness or otherwise of the present-day orthodox methods of the communist. But the spirit of a revolt against the vested interests as they are called cannot be mistaken. That spirit has been abroad, and is stalking this ancient mystical Land. While some are shuddering at its approach and would fain lay it for good, there is a growing number of our younger men and women who would hail it as the deliverer. Of this growing number, there may be a few who may possibly be inspired by the red gospel of Moscow, and like to go in for its methods in their entirety. They may not pause to discriminate between the furcoat suitable for Russia and the loin-cloth suitable for this country. They may be bent upon levelling first, and building or rearing afterwards according to differing requirements. Others, however, will like to move with greater circumspection and discrimination. Their socialism is to be not merely scientific but safe. They would build a new house to shift to, before pulling down that which served them so long. But earthquakes, economic or other, have a queer mode of pulling down houses for them. And when the crash comes, woe betide those who may tarry. It would be thought advisable, therefore, to forestall future earthquakes. A vast number are, however, already sleeping in the verandahs and corridors of their houses, if not actually sitting on the fencing.

## XVI. THE LABOUR UNREST

That an economic and social readjustment is urgently needed and has been overdue, is now perceived by some master capitalists themselves. Henry Ford is one of them. Says he: "Capital that is not continually creating more and better jobs is more useless than sands. Capital that is not constantly making conditions of daily labour better and the reward of daily labour more just is not fulfilling its highest function." He also pleads for "the putting of service before profit". But labour is no longer satisfied with mere condescending service or with step-motherly care now proposed to be extended to it by the "exploiting class." It refuses to make peace with that class on such easy terms. It is bent upon continuing "class war" till class itself is exterminated. It will not be led into the subterfuges of Fascism and other forms of class defensive tactics.

## XVI. THE NEW IDEOLOGY

This new ideology seems to be gaining ground in India also. India is more a land of kishans than of mazdoors; yet a call to "arms" seems to have gone forth already to both. The mazdoors have long been initiated into the offensive and defensive strategy of direct action in the shape of strikes, boycotts and reprisals; and the kishans are also being now taught direct action through a mass no-tax campaign, whether or not its leaders have all of them a communistic outlook and objective. The idea, therefore, which the Meerut Case, apart from its legal significance, represents, is one that has to be seriously reckoned with in any future political and economic and social reckoning to be made in India. It will not do to blink it or nod it out. It must be fought or fostered. No neutrality is possible. Government, by launching into the Meerut Conspiracy Case and seeing through it, have shown that they could or should not remain neutral. They have exerted pressure, and by exerting it, they have thrown the official gauntlet at nascent Indian bolshevism. It remains to be seen whether this accelerates or retards the growth of the nascent movement. But, in any case, the case for Government exerting pressure and increasingly greater pressure in this direction, does not end with the ending of the Meerut Case. Here also, therefore, we have no reduced or relaxed pressure, but one which is likely to be on the increase as the new idea strikes deeper and deeper into Indian soil.

## XVII. SIGH OF RELIEF

The point we have been labouring to establish would appear to be almost a truism if certain appearances did not, and were not allowed to, cloud it. The Congress is brought down: so there is release of strain and tension. The Meerut Case is concluded: so, again, there is a sigh of relief. Violent prisoners of a more dangerous type are shipped away to the Andamans: so, there is a sigh of relief again. Political lepers are segregated as are the social lepers (the thieves and cut-throats), and shoved away to a safe sea corner. The suspects are secured within barbed wire in the camps at Buxa, Hijli, and other places; and a select number transported to the arid isolation of Deoli. And there is a sigh of relief again. Particularly, very amiable methods are suggested in the Gazette for the reclaiming of trying-to-escape prisoners who have, by the bye, never been tried in a court of justice (or some-



times tried and acquitted and taken into custody immediately after acquittal). Soldiers quartered, curfew order promulgated, and collective fine imposed in troublesome towns and villages : and, there is the sigh of relief again. There is an occasional tightening of a screw here and a screw there in the pucca steel-frame of Indian Administration by means of an Emergency Notification proclaiming fresh areas and conferring fresh powers on officers and men already over-burdened with them. To officers and men it is, of course, "the more the merrier", and the Heads of Departments, again, yawn and heave a sigh of relief.

### XVIII. AUTO-SUGGESTION AND MAKE-BELIEVE

But it ought to be patent to all that this sigh of relief is only a process of auto-suggestion and make-believe. By many of these acts, high explosives, that have so far been lying afield, are gathered, and not destroyed but laid as mines under our very feet. There is a method of averting present troubles by which their time-scale is inverted—that is to say, instead of remaining past and present troubles, they become future, impending troubles. Not only so. The troubles may be diverted and converted also in a manner and in proportions not desired or expected by those who have tried to avert them. They may be diverted to areas and channels where they previously did not exist ; and they may be converted into forms in which they had not their original vent and expression. Thus lathi charges and firings, liberally indulged in, floggings, seizures of the poor men's wherewithal, and so forth, may drive an essentially non-violent movement in part into the dark alleys of mad, retaliating violence. Some of those who came to suffer in faith might thus be provoked to strike in anger. Wholesale internments and collective fines may have a tendency to mar sweet reasonableness and not promote it, not only in the *few* who may perchance have a guilty conscience, but in the *many* who are presumably, as innocent as the earth and as uncontaminated as the sky.

### XIX. POLITICAL PROPHYLACTICS

In an epidemic, the susceptibility and proneness to disease of the people is not a less vital factor than the miasma itself in the propagation of the disease. By reducing this susceptibility, inoculation and other methods may succeed as prophylactic agents. Now, in the case of an wide epidemic of political distemper also, the State doctors must adopt all measures which are calculated to reduce this susceptibility and not increase it. The best political prophylactic is that which brings back tone to the constitution. And be it remembered that this tone is to be measured not by the prestige of Government only. Respect for authority and for law and order is, of course, a more reliable index. But the respect must be real and responsive, and not a mere result of repression and a reflex of fear. A government making itself feared and obeyed, may yet alienate itself from, or antagonise, the vital conditions that make for the stability and progress of all good governments. These are the copybook lessons of political philosophy at which nations have been trying their hand since the days of Greek democracy. But they have not yet learnt them. Governments, investing themselves with autocratic unbridled powers, have a special knack of unlearning what little history might have taught them.



## XX. THE TONE OF BODY POLITIC

So the peace and order produced by a continued exercise of extraordinary powers and adoption of very drastic measures (to some of which we have alluded), is not real order and peace. They are not indicative of a reduced pressure in the function of Government. And they are no index of the requisite tone having returned to the diseased body politic. Those who are entrusted with the working of the machinery of government should perpetually bear this in mind. They should be sober enough while all the world may find them power-drunk and victory-drunk.

## XXI. THE QUESTION PUT

Success or want of success must be tested by the Method of Difference. Then only can there be a sure probative value. First define success. Suppose we define it as you profess it should be defined : Success means that the mass of the people have been brought round to your viewpoint, which in democratic parlance, means that if a plebescite were taken on the issue, it would declare in your favour ; if people were to make their mind known by the usual methods of free association, writing and speech, they would support you and not your opponent. This is the meaning of success of a government or of its policy in all democratic countries. Even Hitlerism must be supported by a 90 per cent of the votes. Let us take this accredited meaning of success. Now, have you succeeded or not ?

## XXII. THE "DOUBLE BARREL" POLICY

The answer may come easy and offhand, but the correct answer is one that not always comes easy and offhand. From several facts it would seem to be almost proved that Government have scored success by their 'double barrel' policy of repression and Round Table Conference. Out of the one barrel, there has come a lusty shower of dum-dum bullets in the shape of Ordinances and Ordinance laws. Out of the other, there has been, in the eyes of the man of the street in India, a spectacular display of constitutional rocket-firing. Rockets, in many cases, rose as rockets usually rise, and they fell as rockets always fall. The man in the street has enjoyed the sight, but he has not been attracted by it. He has, generally, kept his position in the street, and has neither run after the rocket when it rises as a shooting star, nor, consequently, has he been dismayed at seeing it fall on the *terra firma* as a dead, burnt stick. The new reform proposals have failed to evoke enthusiasm even in the ultra-moderate quarters. Under the heavy hammer of their criticism, the White Paper is in tatters. Yet, when the time comes, it is not only possible but likely, that some of those who have now torn the White Paper to tatters, may make a bid for them, and even scramble for their precious possession. Advanced liberals still keep up a show of not having anything to do with the proposals *unless* they are substantially modified, which they know as well as the rest, has not the ghost of a chance of being done. In the Joint Parliamentary Committee stage and beyond, the proposals which are in the nature of concessions run every risk of being whittled down, whilst those that are in the nature of safeguards have every prospect of being

cherished and nourished. However, liberals, generally, now present their contract terms with the future Indian Government not in categorical propositions, affirmative or negative, but as a string of hypothetical propositions. Sir (now Right Honourable) Tej Bahadur Sapru and Company have, for the right guidance of all concerned, crystallized their counter-proposals in the form of a valuable Memorandum. But it is but hoping against hope that those concerned, official or non-official, will allow themselves to be guided, much less in the 'right' direction, by their essentially sane and sober counsel. Government have, of course, been, from time to time, condescending to 'remove' some expressed apprehensions as to the much-advertised federation being quietly waylaid and sabotaged. Federation is not to remain altogether in the cloudland of the contingent and problematical. Though its descent upon *terra firma* must remain subject to certain very conditional conditions being satisfied, yet the fact that it will one day come may be taken to be almost unconditionally conditional.

### XXIII. FEDERATION STILL ALIVE

His Excellency the Viceroy, in his speech in the Indian Legislative Assembly on February 1, took some pains to assure the public that federation was yet alive, and would, in due course, be set on its legs. The public had begun to doubt that it had ever any legs of its own to be set upon, or if it had, they had not been amputated by the doctors of the new Conservative Dispensation in England, to save the Provincial Autonomy of the Simon Statutory Commission. However, said His Excellency: "You will remember that some pressure was put on the Secretary of State by the members of the Indian Delegation to enter a definite date in the Bill by which time the Federation should come into being. The Secretary of State explained the grave difficulties in the way of that suggestion, but gave two pledges the importance of which has, I feel sure, not been lost. In the first place, the Secretary of State declared that it is not the intention of His Majesty's Government to inaugurate any kind of Provincial Autonomy under conditions that might leave Federation to follow on as a mere contingency in the future. In the second place, speaking not only for the British Government but for the British Delegation as a whole, he stated that between now and the passage of the Bill, His Majesty's Government would do everything within their power to remove any obstacles that at present may stand in the way of the Federation coming into being at as early date as possible. These assurances were given as a declaration publicly made of the course His Majesty's Government have set themselves to follow."

### XXIV. 'SINE QUA NON' OF FEDERATION

So far so good. But, unfortunately, the public mind has not been reassured. Government have, of course, shown a commendable zeal in stirring about in a matter in which they themselves must take the initiative.—The Reserve Bank Bill. A Reserve Bank for India was made a *sine qua non* of India getting into her federal being. The other *sine qua non* was the voluntary 50% association of Indian States. When and in what form will this be? No body yet knows. The

States do not appear to have made up their minds yet. In the abstract, they appear to have no objection to pull their weight, or even perhaps a little more than their full weight, in the proposed Federal Government ; but they are prepared to allow the Federal Government to pull its weight, or even a little less than its full weight, in the internal governments of the States themselves ? Will His Majesty's Government undertake to see to it that a deal fair and square is made by both the parties concerned ? The Communal Award, for example, which was supposed to be another *sine qua non* has not been accepted as a fair deal by many. But, then, it was a distinction not quite sought but thrust upon the British Government.

## XXV. A HAND ALL-POWERFUL

The fact of the matter is that the public, generally speaking, have not been attracted by the White Paper Provincial Autonomy *plus* Federation or *minus* Federation. The nature of the thing has not attracted them. The reservations have reversed what the thing would otherwise seem to be. The cost of the experiment will not be commensurate with the extent of the achievement. Some would assess that achievement as nil. Others would make it a negative quantity—a fall even from the existing state. Even the supporters would not venture beyond a decimal fraction. Now, where is the money to come from for this costly fraction of a questionable good ? A part of the capitation charges of the Indian Army will henceforth be borne by the “Home” Government—so we have been told. But will the same Government bear the cost of launching the new Indian Constitution ? That is not to be thought of. Poor India will bear this new burden—pay the price of her emancipation. But pay from what ? 80 per cent of the Indian Revenue will still be untouched by the Indian hand—as India's new Law Member (Sir Nripendranath Sircar) himself told us in one of his illuminating London speeches on the White Paper proposals. The remaining 20 per cent will, of course, be “touched” by the Indian hand and even handled. But the hand that will touch and that will handle will hardly be its own master. It will not be a puppet or palsied hand exactly, but a hand in the firm grip of a Hand all-powerful. The Head of the Government who shall be the Governor-General and (in the Provinces) the Governors, will be invested with powers of every category and description (and these have been very clearly analysed and elaborately set forth by the White Paper), and the Head can, and will, see to it that the hands, feet and other limbs do their job as befit them, and not “mutiny”.

## XXXVI. NO PAPER SAFEGUARD

On this point let us make a quotation from the highest authority himself. In course of moving his motion for a Select Committee on March 31 in connection with the White Paper, Sir Samuel Hoare said : “The Irish Treaty broke down because there were no safeguards. In India, the Governor General, the Provincial Governors and other high officials would still be appointed by the Crown. The security services and the executive officers of the Federal and Provincial Governments would still be recruited and protected by Parliament and the army



would remain under the undivided control of Parliament. These were no paper safeguards. The heads of Government were endowed with great powers and were given the means of giving effect to those powers." Then the Secretary of State referred to a letter of Lord Zetland in "The Times" in which the latter had said that the safeguards might be all very right on paper but they would require a veritable super-human Governor. Sir Samuel Hoare pointed out that, as regards the Governor General, there were 47 Central Subjects for which he was responsible; that his present responsibilities, overwhelming and all-pervading as they were, would still be very heavy (though experts in Indian administration had assured him that they would be rather less heavy than as at present) under the new arrangement. Taking the case of the proposed transfer of Law and Order and Police to responsible Ministry, Sir Samuel Hoare thought that though this was a big jump and a risky jump, it might not yet land them in disaster, because, besides having secured themselves by means of strong ropes round their waist (in the form of Parliamentary control of the recruitment of higher services and that of "a strong selection board" in the case of the subordinate ranks), they had also arranged to spread a strong net before venturing to take the leap. "The Governor was given special responsibility in the case of any grave menace to the peace and tranquillity of the Province and the Instrument of Instructions would direct him to have regard to close relations between this responsibility and the internal administration and discipline of the force." And there was to be no time limit as to the Secretary of State exercising his discretion in the appointment of the Police.

#### XXVII. "PECULIARLY APPROPRIATE TO CONSERVATIVE REFORM"

Yet, with all this, a section of the Conservative Party headed by Mr. Churchill refused to be pacified. "Tighten the safeguards," "Go back to the Simon Commission scheme of provincial autonomy with law and order in the keeping of official ministers," "Try provincial autonomy in one or two provinces and have the whole thing examined *de novo* by a Commission"—these were some of the characteristic forms of the *modus operandi* proposed. Mr. Baldwin was, as usual, as sweet, as genial and statesman-like in his Indian Reform utterances as he was unprepared to go to the length of the logical consequence of his sweetness, geniality and statesmanship. Mr. Baldwin felt and realised the dangers and difficulties of the course the British proposed taking in relation to constitutional reform in India. He would not be speaking honestly if he did not admit this. Yet he was profoundly convinced that "the difficulties and dangers that would be run, if we did not take this step, would be infinitely greater, infinitely more difficult." The work before them should be felt, Mr. Baldwin remarked, "to be peculiarly appropriate to the Conservative reform." And the Conservative, he added, was no Junker, no Fascist, but a man etc.

#### XXVIII. "IMPROVEMENT IN THE INDIAN CONDITION"

The Leader of the great Conservative Party also expressed himself as convinced of the practical efficacy of the Dual policy as pur-



sued by Sir Samuel Hoare and the Viceroy. In this, he expressed his faith in the proverbial golden mean, avoiding the extreme of extremist Labour conciliation only, as well as that of extremist Die-hard repression only. He was for fattening and oiling the poor victim before mail fisting and sledge hammering it. Or, the two processes must go on *pari passu*. A little extra fat or oil may save the poor victim from its bones being dislocated, knocked out or compound fractured. Mr. Baldwin was, therefore, perfectly convinced that by no means on earth could they have got an improvement of the conditions in India, and the practical cessation of civil disobedience, if the firm policy of the Viceroy and Sir Samuel Hoare had not been accompanied by progress in preparing constitutional reforms." So almost all the speeches that were made from the Conservative and Liberal benches admitted "the improvement in the conditions of India" as a fact, and admitted further that this improvement was due to firmness of policy. Sir H. Horne declared—"the Conservative Party owed Sir Samuel Hoare a great debt of gratitude because he had demonstrated that it only required sufficient firmness and courage to make India an orderly State." The Conservative Party was, however, divided on the dubious dualism of the Dual Policy which married firmness to grace. Some would prefer to see firmness function in single blessedness. They would forthwith grant a divorce decree to irreconcilables wedded in haste and foolishness. If, as Mr. Bernays had said, the only alternative to the White Paper would be military autocracy in India, then, let us have that rather than the "infamous" White Paper—this was the underlying burden of Die-hard denunciation of the White Paper. As to the safeguards, as we have seen, the majority view was to make them as effective as they could be made, whether by tightening or by multiplying. As Sir H. Horne said with regard to them—"There was something to be said for granting a constitution with safeguards which irritated and were ineffective." As to the character of a constitution thus carefully and effectively safeguarded, there are not many Indians who cherish any fond delusions. But let us hear what a prominent leader of British Liberalism said on the occasion—"We regard this measure not as a surrender of Britain's task in India, but its consummation and crown." After this, Indians might rub their eyes to look at it again. Not only so. We have been also assured by the high authority that by the proposed plan India would be brought very close to Dominion Status. Many Indians had thought otherwise. Standing upon the new solid, safeguard-concrete constitutional pier, they could see, as far as the eye of imagination would stretch, no trace of the Promised Land beyond the wilderness of the sea. So the cry of "Land" from the look-out would make them gape in wonder.

#### XXIX. NON-OFFICIAL CRITICISM OF WHITE PAPER

Professed non-cooperators in India, had, of course, kept their peace of unconcern, if not of contempt, over the matter. No body had expected to find them interested. The Congress flag had not only been rung down in London, but was captured in India also. Civil disobedience, if not actually broken as claimed by Government, had stopped through

exhaustion or "war-weariness" as some of the ex-fighters were telling us. They were, therefore, in too taciturn a mood to be "voluble". The co-operators in the Indian and Provincial Legislative Bodies were, also, not a particularly cheering and hailing crowd on the pier. The sponsors of the proposed reforms had to drink their cup of non-official criticism to the bitterest dregs. It was not a cup of stale brew, but burning, bitter and pungent. Some called the proposals retrograde; some would call them "stone for bread"; some would not touch them even with a pair of tongs; some would not touch even with a pair of sterilised gloves, as the White Paper was not only waste paper but nasty paper; some would hesitate before stooping to take it up, as the paper looked faded and folded; a few, however, would turn up their noses, and call it a revoltingly rubbishy paper, and yet take it up for what it was or was not worth, and insert it into their snug, little inner vest pockets. These last, professedly few in number, would swear by Tilak's gospel of responsive co-operation, and would hope to "conquer by compliance". We do not propose to deal with the mass of non-official criticism (the European Groups, however, thought that the proposed advance was much too far beyond the safety-point, and that the proposed safeguards were not safe enough and guarded enough to be depended upon in venturing beyond the security zone. The sane and sober enclosure of the Statutory Commission would have been a safe and sufficient grazing pasture for the frolicking kinds of the new constitution). The following was the verdict of the Indian Legislative Assembly on the White Paper scheme: "Unless the proposals for constitutional reform are substantially amended in the direction of conceding greater responsibility and freedom of action to the people's representatives in the central and provincial spheres of Government, it will not be possible to ensure peace and contentment and progress of the country." The Provincial Councils followed in the same strain. This was the reception accorded by our law-makers and law-breakers. The mass of law-abiders were, generally speaking, apathetic.

### XXX. LEFT WING ATTITUDE

We have already noticed the British attitude as reflected in Parliament to the White Paper. That tone extended over a whole gamut of notes ranging from the extreme mellow of Left Wing Labour to the extreme pitch of Left Wing Conservative. Labour, especially Left Wing Labour, sang indeed in a voice very sweet and mellow, so pathetically plaintive and so ethereally sweet, that it appeared to many as a voice coming not from Labour in actual flesh and blood, but from the "spirit" of Labour sojourning in the other world of Elysium. For, Labour in flesh and blood, that is, Labour in office, had not altogether sung in sweet, melodious tones. To Mr Benn as to Sir Samuel Hoare the first—and one would think the only—function of government was, is and shall be to govern. Mr. Lansbury, the venerable leader of the shipwrecked Labour crew, made a very sympathetic and statesman-like speech on the occasion of the White Paper Select Committee motion. Major Attlee read an illuminating Note on behalf of the Labour Party as a whole which as a statement of the needful Indian policy and as a criticism of the dual policy as pursued by the present Government, and of the plan

of their constitutional doctoring, would seem to leave nothing to be desired from the Indian point of view. Yet both were somewhat hard put to it to explain away the dual policy which they, too, had followed or allowed to be followed while in office, and to make a substantive distinction between their policy and method and those of the present Government without a basis of substantial difference existing in actual fact between them. But then, that policy and method still had made the Gandhi-Irwin Pact possible ; the 'truce' possible ; and Congress participation in R. T. C. possible.

### XXXI. MAJOR ATTLEE'S NOTE

Major Attlee in his Note said : "They stand by the declaration made at the Blackpool Conference of 1927, the effect of which was to reaffirm the right of the Indian people to full self-determination. Therefore, the policy of the British Government should be one of continuous cooperation which the Indian people with the object of establishing India as early as possible by her own consent as an equal partner in the British Commonwealth of Nations...the new constitution should contain within itself provisions for its own development...it should contain the principle laid down in the Irwin-Gandhi Pact that such safeguards as are necessary should be in the interests of India and should be agreed to in cooperation with the leaders of Indian opinion. The Indian Constitution should adopt the principle laid down by the Labour Government at the first R. T. C. and repeated as their policy by the National Government at the second R. T. C. that the reserved powers should not be such as to prejudice advance of India through the new constitution to full responsibility for her own government. The Labourites stand by the principle that a settlement cannot be reached without the cooperation and consent of all sections in India. Therefore, I ask for the release of all political prisoners....Labour Government's policy was cooperation, free discussion and agreement...and it achieved a remarkable triumph when Congress representatives were present at the R. T. C....A change followed under the National Government. The R. T. C. was dismissed. An era of repression against the Congress was started and the whole structure of conciliation was shattered. The third R. T. C. contained a small number of handpacked unrepresentative delegates. It was a mistaken policy because it was impossible to smash the Congress by force and reach a satisfactory conclusion with a few Indian representatives. The White Paper seemed directly to conflict with the principles laid down and our pledges.....the whole idea of Dominion Status was gone as also of progressive advance towards self-government. There was no suggestion that the powers of the Governor General and the Secretary of State would lapse...The only basis for an interim constitution was complete agreement with the politically-minded people with whom we would have to work....In the White Paper there was no central responsibility and no suggestion of progress towards full responsibility or relaxation of the existing control. There was no approach to Dominion Status while every vested interest was protected as a result of which the banker would reign in Delhi as in London"...This was all right from the Indian point of view. Similarly, Mr. Morgan Jones, in moving the Opposition amendment insisted on the need of



securing the co-operation of the leading political organisations in India and with a view to that, creating an absolutely free atmosphere in India for discussion and collaboration by releasing all political prisoners. As to the assertion so frequently made by Government that the release of political prisoners must follow and not precede a definite abandonment of non-co-operation, Mr Jones asked Sir Samuel Hoare if any opportunity was allowed for bringing the present Indian attitude to a test. The only such opportunity could have been provided by allowing the proposed Congress session to meet in Calcutta. But it was banned. Which, of course, showed that they did not want to shape their policy in regard to this matter or any other matter in accordance with what the Congress might propose or not propose, but in accordance with what they thought would suit their own purpose. This was the new Tory policy as distinguished from the Labour policy of "seeking co-operation" reversed by the National Government. Not only was Congress not required to tender its advice now, but good care was taken that it might not tender more than what was required in the new legislatures.

### XXXII. THE DESIGN OF THE LEGISLATURES

The Legislatures were so designed as to make the very possibility of a preponderance of the "extremist" factors therein an impossibility. The Indian States element in the Federal Legislature, the Communal allocations and weightages, the extra leaven of the European element, and other devices would tend, in their cumulative result, to keep the undesirable extremist in his place. As a machinery eliminating and checking the undesirables, the new one would be more effective than the existing one. In the existing one, the Swarajist could get in, in sufficient numbers, to play his obstructive game to perfection. He could carry the ballot box against the Government upon almost every question that was mooted. Government had to function with their naked "responsibility" in matters of law-making (that is, by certification) and law-killing (that is, by veto); and not, as happily now after the walk-out of the Swarajist, with their irresponsible "responsibility" cloaked and outfitted with a more or less pliant and agreeable legislative consent. It is no longer necessary to have recourse to executive fiats and ukases for the purpose of initiating drastic legislative measures. The Legislatures themselves can now be depended on in almost all matters ranging from the ratification of the Ottawa Agreement to the passing of an Ordinance-law or a Public Safety Act. Sir Samuel Hoare can now stand in his place in the British House of Commons and tell all the world that these and like measures have been taken by the Government of India not upon their own undivided "responsibility", but with the sanction of their constituted legislatures. So, India is a democracy not only in her fiscal relations, but in the wider sphere of her legislative function. Now, in the new constitution, good care is taken that the Swarajist may not come back in any numbers to upset the existing cordial, happy arrangement. The game table is so arranged that he can always be played out. And those who are entrusted with the job of pre-arranging the table, are quite honest in their device and quite justified in their manoeuvre from their point of view. For, did not the



Swarajist prove a "wrecker by profession and practice ? A constitution should have place for the worker and none for the wrecker. There is not, after all, much difference between the wrecker outside the constitution (the non-co-operator) and the wrecker within (the so-called co-operator). The new constitution will, of course, provide for a legitimate Opposition in the legislatures, whose business will be, as it is in all democratic countries, to work the constitution by opposing where necessary, and not wreck the constitution by opposing for the sake of opposing. So the revolutionary, whether violent or nonviolent, should be externed, as effectively as possible, from positions where he can lay mines. The act of laying mines has already been made a costly undertaking for him by the enactment of the Ordinance-laws which have become a permanent fixture of the Indian Statute. This is our statutory insurance against the revolutionary laying his mines outside the constitution. But the new constitution itself will be sufficiently insured against the wrecking tactics of the future Swarajist sapper and miner "on oath" seeking to work from within the constitution. The future of Indian democracy will be safe between these two insurances.

### XXXIII. PROVINCIAL AUTONOMY IN SINGLE BLESSEDNESS

For a summary of the White Paper proposals it would appear that, though an all-India Federation is the aim of the plan, yet, the materialisation of that aim is made subject to the fulfilment of two conditions to which we have referred already, viz., Indian States representing at least 50 per cent of the total population of the States must agree to join ; and a Federal Reserve Bank independent of political influences must be established. Pending these two consummations (one of which still seems to be devoutly wished for), Provincial Autonomy will be consummated in single blessedness. That is to say, there will be no central responsibility. During the pre-federal as well as during the federal stage, "the powers at present enjoyed by the Secretary of State for India in respect of supervision and general control over Indian administration will remain unaffected." The Secretary of State may be given a reduced council, but not a reduced responsibility.

### XXXIV. GOVERNOR GENERAL'S RESPONSIBILITIES

The Governor General will, of course, be given a Cabinet of Ministers responsible to the Federal Legislature. But the Governor-General will be personally responsible for the administration of 1 (Defence), 2 (External Affairs), 3 (Ecclesiastical matters), 4 (Safety of the Federation), 7 (Interests of Minorities), 8 (Rights of Public Services), and 9 (Prevention of commercial discrimination). In the first three subjects especially, the Governor-General will be advised by counsellors independent of the Legislature. In the important matter of Defence, for example, the Governor General will act on his own responsibility, and will be under no constitutional obligation to take the advice of his ministers, and the ministers will have no constitutional right to offer advice, though the Governor-General may, at his discretion, ascertain the views of his Cabinet before making up his military bill ; and though also, in his Instrument of Instructions, there will be a formal recognition of the policy that the defence of India must to an increasing extent be the concern of the Indian

people. So it would appear that the R. T. C. had not quite been sabotaged by the National Government. Defence and the Defence Bill will be the sole concern of the British Parliament acting through its agent in India, the Governor General; and there is no suggestion that the Indian Defence State will be under the control of the British Court of Wards only during the short period of India's remaining minority or her "period of transition". There is no suggestion that the authority of Parliament, exercised through the Secretary of State and the Governor General, will ever lapse and will be vested in full in the Indian Federal Legislature. Not only so. There is to be no time limit by which Indian Defence will be Indianised. For aught we know, the pace of Indianisation may have to be calculated in accordance with a geological scale of time and the whole process may take astronomical light years instead of ordinary mortal years for its completion. The Indian military policy will also be the charge of the British War Office. The question, for example, whether India's Defence will be her own defence primarily or Imperial defence—will be practically beyond the cognisance of India herself. In the teeth of these realities, it was feared by many in India that the statement in the Governor General's Instrument of Instructions, that the defence of India would to an increasing extent be the concern of the Indian people, might remain a pious wish of very transcendental piety.

### XXXV. THE VITAL SANCTIONS

Yet it cannot be forgotten for one moment that Defence, Foreign Relations and Finance are the three vital sanctions and test of self-governance. A State functioning without the substance of these sanctions, has but the shadow and not the substance of self-government. Whatever else it may administer and control without administering and controlling these three, is a borrowed, lent out article over which one has no right of property and no right of free use. Sir Samuel Hoare was his honest self in offering the White Paper stuff not as Dominion Status. Some in India pretended to think that the stuff would have been more acceptable with a false label attached to it. For, then, it would have been an easier process to auto-suggest ourselves that the stuff offered was genuine Dominion Status or an almost as genuine substitute for it. But Sir Samuel Hoare would not give us even the solace and comfort of a delusion. Sir Herbert Samuel, the Liberal leader, would have given us that solace; for, according to him, what the British were offering to India was a close imitation of Dominion Status with so little of the necessary flaws of imitations that the British might, by producing this imitation Dominion Status for India, lay the flattering unction to their soul that their mission in India had now had its crown of consummation. Labour, continuing in office, would, in all probability, have offered the same stuff with a good deal of fuss about self-determination. The safe-guards would very nearly have been the same, and yet, the plea would have been trotted out that they all were in the interest of India herself. The present Dispensation says instead that they are in the interests of India and of Britain, that is, for mutual benefit. Labour would have stuck to the Irwin-Gandhi formula. Then, again, there should have been said in the

Labour advertisement to the article offered to India that the article was to be consumed with safe-guards (an ugly word, but a delicious thing, to Mr. Macdonald of the Labour Government) during the period of transition only. This period of transition, however, would, in practice, have been found to be as incapable of statutory limitation as, for instance, the Fundamental Rights demanded by all Indian delegates in the R. T. C. have been found to be by the present Dispensation. Of course, Labour had tried a new method in their Indian solution. Over and above repression by Ordinances, they had tried the method of negotiation. They had tried to conquer the Congress by a cautious and conditional compliance with its formula. The present Government would conquer it by bold defiance. A formula might be agreed upon by both the parties. But it was to be seen how far action would or could have been taken by Labour in office in accordance with that formula. If Mahatmaji had carried the same Congress mandate as he did in the second R. T. C., and had not, as he did not, flinch from it, the result in the long run would have been the same, in substance if not in form, as when, at the conclusion of the second R. T. C., he found himself practically jettisoned by the whole Round Table crew, British and Indian, and declared himself as standing at the parting of ways. Labour Government would probably not have arrested him a few hours after his landing in Bombay. Possibly, wiser counsels would have prevailed in the Viceregal quarters too, and Gandhiji been granted an interview or a series of fresh formula-forging interviews. Perhaps, an offensive against the Congress would have been delayed by these episodes. But would it have been altogether given up, and the truce nourished to fructify into lasting peace? Not likely. Labour themselves might or might not desire this consummation. But they would not have been allowed to consummate a lasting peace on Congress terms, even if they desired it. The great offensive would simply have been postponed,

### XXXVI. THE TORY HIT

The Tory plan of hitting swift and sure, where hit one must, was considered by many as the best. It was best to give a short shrift to all sham and make-believe. In pursuance of this new inspiration, a bold and swift hit was made against the Congress aspiring through sheer disobedience of law and order to be a parallel government and a prospective government. The goal of constitutional advance was, also, brought down from the clouds, and made as matter-of-fact and as dry-as-dust as it could and should be made. It would no longer be a centre of delusions, a mirage of false hopes. It was not Dominion Status that India was going to have as the model of her constitution. Sir Samuel Hoare has waged a war against both disobedience and delusion, both flouting methods and flying hopes. All are agreed that he has scored a success as against the latter. His White Paper has made delusions dead, and soaring hopes crawl. We have referred to some of the salient features of the scheme already. We have seen how as regards the more vital sanctions of self-government, Parliament, acting through the Governor General, has not at all relaxed its control. In the transferred sphere also, where responsibility seems to have been conceded, that responsibi-



lity has been overshadowed by the 'special responsibilities' of the Governor General and of the Governors ; by their self-initiating, over-riding and checking powers , and by their emergency powers exercised singly or otherwise. These high powers are torpedo-proof, and no weak point, no suggestion of an Achilles' heel somewhere has been left. In the self-governing Dominions, too, there are ample safeguards in the constitution document. But in their case, they are, very nearly, if not absolutely, paper safeguards. The colossus of safeguards there stands with its feet of clay. Because the Dominions have the vital sanctions of self-government secure in their possession. In default of these sanctions, no amount of setting of usage and convention would have made them possess their actual rights and liberties. The analogy of the Dominions is to India a misfit. So it was best some of us were rid of a fallacious habit of building upon mistaken analogies which we have been allowing to grow upon us since the early eighties of the last century.

### XXXVII. NOT A PREPONDERATING YES

Apart from the question of India being forthwith born into Dominion Status, the question whether the proposed scheme makes or does not make a substantial advance upon the present position, has also been widely canvassed and discussed, but it does not appear that the answer has been a preponderating, unequivocal Yes. Of course, there are, as there have been and will be, some reforms profiteers, who will look to their own profits first. Besides them, a new generation of communalist profiteers has also arisen who will expect to reap a boom harvest of communal gains from the proposed readjustments. But those who have no axe to grind, personal, communal or mixed, do not seem to have blessed the child in the White Paper womb. Some feared it might prove a miscarriage after all, and we might have a still-born constitution after the R. T. C. labour were over. But fears have been belied.

### XXXVIII. THE WHITE PAPER BETWEEN TWO ATTACKS

The above, we daresay, is a faithful report of the reception accorded to White Paper in the major sectors of the political circle in India. In some of the minor sectors, the tendency was not to reject the scheme *in toto*, but to look at it, turn it on all sides, and blue-pencil it into a fairly acceptable shape. It was to be conditional acceptance, which in moderate politics, had often meant, or turned out to be, unconditional acceptance, or as their critics would say, surrender. The fact of the matter seems to be that between the two mutually checking and balancing tumultuous waves of moderate, negotiable attack in India and immoderate die-hard attack in England, the flimsy, frail bark of the Indian Constitution is assured a safe passage in the trough of official placidity and calm. It is a most convenient arrangement by which official navigation of contentious measures is assured a safe and undeflected course. Unlike the course of true love, its course is favoured by the gods to run smooth. If, perchance, the bark of the Indian Constitution should steer in the direction of Indian liberalism, diehard influences can always be trusted to pull it back. The same is the case, though not quite to the same trustworthy extent, with the bark dashing

with all its sails puffed towards the haven of diehardism. The attackers not only hold themselves in check; the ship's crew can always ask and induce the one to moderate its ardour by pointing to the strength and ardour of the other. By this most beautiful arrangement the White Paper may, it is hoped, come nearly safe through the turbulent waters of the Joint Committee and of the Houses of Parliament itself.

### XXXIX. THE LIBERAL FIGHT

Far be it from our meaning to suggest that the Liberal fight against the White Paper has been in the main a mock-fight only. Our knights in and outside the R. T. C. have fought as valiant knights, and if they have not succeeded as some of them had hoped to, the fault is not to be laid at their doors. They have fought a modern armoured car of high imperial policy with antiquated eighteenth century weapons of protests and petitions. They do not, of course, like the Congress method of non-violent non-cooperation; and it seems that the idea of that method is yet far ahead of the modern advancement of masses of mankind. But while not loving the Congress method of attack, they have not also, as their critics allege, sufficiently loved themselves. That is to say, they have not invariably stood by and at the post which by their word of mouth or by gesture, they have proclaimed unsunderable. Sir Surendranath, in his uncrowned king of Young Bengal days, was justly called "Surrender Not". But he was dubbed a knight after his surrender. The path of Indian moderatism seems to have been macadamized with many a granite Surrender Not ground and pulverised. Yet, the record of Indian liberalism has been a great and inspiring one. It has been among the potent and patent causes of the modern awakening in India. And their method of protestation and negotiation (or give and take) must still be acknowledged to be the only feasible method of doing business and of practical settlement. If that method has sometimes failed, it is because we have proceeded to do business without actual "credit", and make settlements without implementing sufficient sanctions for them. A vanquished Germany went to do business at Versailles with a credit gone to the four winds, and all her sanctions snatched away from her. And the result was infamy, gall and wormwood to her. Hitler's Germany is out to regain her credit and recreate her sanctions, Treaties and League Conventions and Conferences notwithstanding. Credit and sanction—these are the crux of the thing. The Bank of Public Opinion is, no doubt, the only bank of credit in any country. But the bank must be so organised and so solvent as to be able to pay. Now, in India, a reserve bank like this of effective public opinion is hardly yet well organised. But even as it is, a section of Indian moderatism seems to have overdrawn already from it, so that it seems to have but little in it in current accounts and only God knows what in fixed deposits. Hence, with the best of intentions and with the best of its labours, it has not, of late, transacted business with remarkable success.

### XL. METHOD OF NEGOTIATION

The method of negotiation is not necessarily one of haggling. Perhaps, at the back of the negotiating mind, the idea has been this: The White Paper scheme is not the best possible of all schemes in this best

possible of all worlds of ours ; yet, it may not be the worst possible ; something even worse than this could have been made ; it was fortunate that even so little was saved from the Tory avalanche following the last General Election in England ; while demanding for more let us see that this little is not smothered by an impending diabolical landslide ; and, between ourselves, the proposed plan, even as it is, marks a distinct advance on the existing order of things in India ; it will extend responsibility where it does not exist, and it will expand it where it does. So we must put up with it and use it, while agitating for more."

Now, British statesmen know full well that this is at the back of some minds in India which have been the loudest in making protests and the most forward in laying down conditions of acceptance. They know that it requires only bulldog tenacity on the part of those making the offer to make the thing accepted without conditions, as, in the words of Sir H. Horne before quoted, it required only sufficient firmness and courage to get the British authority respected in India. The terms will be lifted when the time for acceptance comes.

It is beyond doubt that Government will always be able to rely on the willingness of a section of the politically-minded India to loyally work the constitution, good, bad or indifferent, that may be installed in future. The loyalty of their Services, British and Indian, has been admirable under the most trying tests. And, manifestly, their cheques of policy and plan as they have been, have not altogether been dishonoured in the bank of Indian public opinion. Some have co-operated, while some others have not opposed. Congress non-co-operation has, apparently, not much shaken these basic sub-structures of Government. And the future constitution may be rested upon these substructures.

#### XLI. DUAL POLICY NOT A SUCCESS

Nevertheless, the present dual policy of Government cannot be so readily acclaimed a success. The White Paper scheme may, and will be, worked by a section of the people. But except in very limited circles, it has not presented any features of real interest and attraction. It has hardly been a factor in winning back the love of the people for Government which subversive movements have tried to corrupt and pervert. It seems that the people's love for the corrupter and seducer is also now on the wane. But that is not because the White Paper has brought a tide in its affections for the existing order. It is not true to suggest, as Mr. Churchill suggested, that the present policy and measures have not only been accepted but welcomed by an overwhelmingly large majority of the Indian people. The safe custody of Gandhiji in the Yerwada Jail, his diminishing 'active' following, the slackening of the boycott, the relatively poor show of Congress demonstrations ; and all this accomplished without a single British battalion being called into action (though, as a matter of fact, armed police had, not infrequently, to be called into action to cope with unarmed 'direct action' demonstrations)—were no index that the affections and sympathies of the masses of men were safe in the right places and not with the seducer.

#### XLII. THE TESTS

The success of the policy pursued will have to be tested by the met-



hod of Elimination of Difference. Withdraw all emergency measures ; allow free association, speech and writing. Eliminate or relax the extra pressure now put. And see what happens. If, *after* that, it is found that people's affections and sympathies declare themselves for you, then, you prove that your plan of action has been acceptable to them. Peace and contentment are crops that grow only under conditions of normal temperature and pressure. As Mr. Lansbury rightly observed in course of the Parliamentary debate above referred to, there is a whole world of difference between real peace and voluntary acquiescence, and silent or simmering sullenness which may be produced by extra doses of firmness, and is not far removed from the demoralisation of fear. Even some Conservative members had thought fit to sound a note of warning. Make sure that the people will acquiesce in and use what we offer them before making the offer—this was what was said. Of course, some people will use almost anything that be offered them gratis. But that is not the point. We should be assured of the co-operation of those sections of the people that really count. Those sections cannot be artificially manufactured by any manipulation of the ballot box. Those sections earn their qualifications. Whether or no those sections exist wholly inside or outside the Congress circle, or whether partly inside and partly outside, you have got to find them out, and treat with them. Failure to find them out and treat with them, will result in setting up a dummy constitution which will not work to any good and for any length of time in the teeth of the active opposition of the vital sections. It will be no solution of the Indian problem.

### XLIII. RETURN TO NORMAL CONDITIONS

All things considered, it is best, therefore, to return to normal conditions. The present high tension should be relieved. Tension is none the less high because the parties, official and public, may get used to it when it is continued, and so, are less conscious of it. Extraordinary powers, long used, may harden those using them, and make them think them as not only normal but indispensable. They not only harden the agents of them. They also deaden the surface-sensibilities of the patients. But this does not simply mean that the tension is lost on them. It goes deep and accumulates. If Government do not yet see their way to remove the extra strain altogether, they should, certainly, we think, relax it on some occasions and in certain directions. The boycott ban need not be lifted, for the result may be then serious. No-tax activities need not be connived at, for then also, the result will be hardly less serious. Even Congress Independence Day and Flag demonstrations and hartals need not be tacitly accepted. But, surely, one would still think that the proposed Congress session in Calcutta need not have been banned. That would have enabled Government to take a correct measure both of Congress mind and Congress strength as against what they said about in their official pronouncements and despatches. Again, the censorship on the Press might have been made a little "gagging", and the Press allowed to function with a less impending and catastrophic sword of Damocles hanging over its head, without the skies actually falling on us. We are speaking not of terrorist movements and Government's plan

of dealing with them. Though, even here, extraordinary powers and methods should, in our opinion, be the rarest exception rather than the general rule. Now, Government not only did not allow the Calcutta session to be held, but were alleged to have adopted certain methods of foiling the attempt which led to controversial and controverted statements being issued from both sides. Government also did not allow the scattered crop of political conferences to grow which, generally, come in the wake of a full Congress shower. Now, this did not appear to many as an well-advised policy. The open Congress session and the Conferences would have let off some pent-up steam, and so, would have served as safety valves relieving and not augmenting pressure on the boiler of the engine of the administration. And it was not absolutely predestined that Congress meetings, if allowed to function, would have voted for continued, relentless, unqualified civil disobedience. They might have modified the present programme of action; or, at any rate, a section of the delegates assembled might have suggested a modification, if not suspension, of the programme. As a matter of fact, a later conference of Congress leaders *did* suspend civil disobedience as a mass movement, and also suspended all Congress organisations. Such halting indecisive moves might not have commended themselves to Government. Still, an opportunity should not have been denied to Congress. Of course, on the constitutional issue, the verdict of Congress would, in all probability, have remained unaltered. It would have still refused to discuss the White Paper on its merits. To it, the White Paper principle antagonised the principle of self-determination. It was an imposition. On the basis of adult suffrage, or at least, upon a basis wider than that provided by the Lothian scheme, India should first set up a representative constituent machinery for making a constitution for the provinces and for the Federation. The constitution so framed should be accepted and ratified by the British Parliament. This was what was done substantially in the case of Australia and of South Africa. As regards safeguards, Congress would have reaffirmed the position as settled by the Pacts which Gandhiji had made with Government. It would have recognised a short transition period, during which certain safeguards, demonstrably in the interest of India, should have been agreed to. Government, of course, was not prepared to accept this position. But there was no harm in allowing Congress or any other body to say its say on the constitutional issue.

By their "firm" policy and extraordinary measures, Government sought and in a measure were enabled to keep the situation in their tight grip. The situation under this grip must have been a situation under great stress and strain. The thing was pressed and squeezed into quiescence. Which did not prove that the thing had lost its elasticity to rebound. At any rate, we could not be sure until we returned to quite normal conditions.

#### XLIV. THE PRESENT CHANGE IN INDIAN CONDITION

The present change in the Indian conditions could, as we saw, hardly be attributed to the constructive side of the dual policy. Or, if could, it would be to a minor degree. The repressive half of the policy

was more responsible for the production of the change. Possibly also, what the Congress camp would call war-weariness and other more patent causes, moral, economic or other, were factors contributory to the change. We need not look narrowly into them. The question that we put and tried to answer was this: Was this change a real improvement or only an apparent one? Or, what came to the same thing—Was the policy a success or not? The question could be answered only by putting the matter to certain crucial tests. The first test of relaxed pressure in the country or Government for the matter of that, does not yield a favourable result. Economically, Government have not been functioning at a reduced cost in so far as the Security, the Law and Order departments are concerned. The money needed badly by the nation-feeding and nation-building subjects, cannot yet be released for them. Politically, emergency measures have been consolidated as statutes, Congress organisations are still unlawful, and political prisoners are still unreleased. Communal differences have been rather accentuated. And, last but not the least, the moral results produced have not been quite wholesome. While it is true that law is less broken to-day than it was yesterday, we are not so sure that respect for authority as such has, on the whole, increased. The state of public mind is rather one of depression. Behind this, there is, we fear, a background of sullenness. Anti-government feeling is less kinetic and less active to-day. But it has to be remembered that stresses and strains that disappear from the active line, may not have been wholly lost, but may simply have been converted into other and subtler forms. And if that be so, they may, possibly, be reconverted into their active forms again.

#### XLV. MOVEMENTS OF VIOLENCE

We do not propose to make any observations on the Government policy and measures in their relation to movements of violence. All publicists have regretted and condemned these movements. Some have suggested methods of checking them. They have, generally, called attention to the root causes, and have advised a course of sober and not "drastic" treatment for radical cure. Government measures have, generally speaking, aimed at the obtrusive symptoms or surface manifestations. The measures so far adopted do not seem to have yielded satisfactory results. And the measures, naturally, gather a momentum by proceeding from the ordinary to the extra-ordinary and to the extra-extra-ordinary, and so on. There is no knowing what ultimately they will bring to. While all are agreed that the disease must be effectively dealt with, many have looked askance at the extraordinary and drastic measures adopted for prevention and cure. Many of these measures, it is feared, will not foster conditions for terrorism dying a speedy natural death. On the contrary, some may foster conditions giving it a longer lease of life. It is the psychological and moral factor involved in the rise, spread and decline of the terrorist epidemic, whose importance should be adequately recognised. An extra dose of firmness may have succeeded in checking the Congress for a while. An extra dose or doses naturally suggest itself as the remedy for the symptoms of violence. There is, undoubtedly, need for firmness, but many would think, more for moral firmness than physical. That is to say, measures other than wholesale intern-



ments, collective fines, wholesale restrictions on Hindu youths, military route marches, and the like, should be thought of. For the checking and punishing of actual crimes and criminal preparations, the police and the magistracy should be made as efficient an instrument as possible, which does not mean that they should be armed with practically unlimited powers, and increased and multiplied only in numerical strength. The ordinary powers should suffice, and with a really well selected and trained and competent force, the task, difficult as it is, may be tackled efficiently and to a reasonable degree of satisfaction. The Law and Order budget may thus be curtailed, and the money saved used for relieving unemployment which is certainly one of the factors contributory to youth discontent and unrest in the country. As it is, the Security and the Law and Order Bills do not leave much margin for a plan of amelioration of the admittedly acute economic stress in the country by palliative and curative methods. Under normal conditions, with a balanced and sympathetic programme, Government should be able to expect to enlist greater public sympathy and co-operation in their campaign against violence, which the public do *not* believe to be a social good. Extraordinary and drastic measures which may involve the innocent with the guilty, may make people recoil, where, in normal conditions, they would come forward and stand by the forces of law and order.

As for really preventive and curative methods, Government and the people should co-operate and concentrate all their energies to effect an improvement in the economic prospects of the rising generation, and make their outlook on life broader and brighter. Politically, it should be made to feel and clearly envisage a country which they should be proud to live in and serve. Economically and socially, it should be able to hope and work for the very best. For this, a wise and sympathetic constructive programme and resources for carrying it through must be found. Government must not only invite the co-operation of the "leaders" for this, but their officers, police included, should be the friends and guides, and not merely the monitors, of the youth, generous and noble, though impulsive of heart. They should freely mix and be hearty "comrades," and not, as often now, be estranged from each other through suspicion or fear. A cordial *entente* is desirable. And this can be effected through an improvement of the moral tone on either side.

#### XLVI. THE THREE PRINCIPLES

We have discussed at some length matters of high policy. Though, in our opinion, success, in a real, enduring sense, could not be claimed for that policy, yet, we think, three broad principles should never have been lost sight of. First, Government must take all necessary and legitimate measures to protect their foundations against all forms of subversive attack. Second, those measures should, as far as possible, be confined to the normal bounds of State defence as established by the ordinary laws of the land, which the accumulated experience of all civilised societies has found to be, ultimately, the best and safest for all concerned. The function of law is not merely to protect the legitimate authority of government, but also the just rights and liberties of the

people. And it has not been found to be good to give government protection at the cost of the rights and liberties of the governed. A just balance of the protective rights of both is the desideratum. Emergency measures may be called for on occasion. But even these should not disturb the just balance. Government do not, ultimately, gain by disturbing this balance. By leaving, for example, the fundamental rights of free association, speech and writing uninterfered with, except where these actually offend the ordinary laws of the land, government should always be in a position to ascertain with certainty whether or no they have the support of the bulk of public opinion for their policy. In a democratic country such a test naturally comes in the shape of a General Election or Referendum. Then, third, Government, while pursuing self-protective methods with prudence and efficiency, must, at the same time, proceed with imagination, courage and statesmanship, with their programme of all-round progress, which constitutes the very title deed of their existence and continuance. And in working this progressive plan, they should be assured of the enthusiastic support and co-operation not only of the majority of the people, but of the most active and influential sections of them. In the face of wide-scale subversive movements, a dual policy is, of course, the only feasible and justifiable policy. But the two halves must work as a whole, and be so paired as to pull together and make for the goal which we have in view.

#### XLVII. THE ONE MAN OR ONE PARTY SHOW

With these remarks, we now pass on to a cursory notice of some of the more prominent episodes of the drama staged during the six months under review. On the whole, it was not an exciting show. Congress being out of action, it was practically one man show. And that man was the Great Moghul reigning in Whitehall. With the demon of disloyalty and defiance laid low, he was now dispensing his White Paper graces to a motley crowd of political fortune-seekers, reforms-peddlers, and many others assembled in the corridors and ante-chambers of the Hall. The corridors had an outflow into some of the sequestered regions of Indian sanity and sobriety, into zones of "safety first" as Pundit Jawharlal would sometimes call them, and the ante-chambers abutted into smoke-papered closets, where half a dozen toothless old people sat hairsplitting the stuff offered them for bread, munching the shreds with their gums, and finally, with a wry face muttering protests, between movements of the gullet, gulping the whole "mess of pottage." Anyway, the dispensing of the White Paper graces and their reception by some of those who cared to receive them, was an episode full of a hustle and bustle which, to many, did not lend any grace to the ceremony. A picture drawn from models we cannot vouch for.

#### XLVIII. GANDHIJI'S ACTIVITIES

Mahatma Gandhi, from his confinement in Jail, was carrying on an arduous campaign against untouchability, and for general social uplift of the Harijans. In the second week of February, we were told again by the Secretary of State for India that Gandhiji and the political prisoners would not be released till civil disobedience was dead and buried—an

hyperbolic attitude of misapplied firmness, which, by the bye, was criticised by Sir Tej Bahadur Sapru on February 14. It was a refusal to return to actually normal conditions as distinguished from a condition of seeming peace and tranquillity which was the result of extraordinary high pressure being maintained by tightened and tightening screws of inhibitory and prohibitory measures. And the continued confinement of political prisoners was a pressure that had political and moral moments of no mean value. However, the Harijan movement was going fairly apace, though not as fairly as Dr. Ambedkar, for instance, would like it to go. Mr. C. S. Ranga Iyer's Temple Entry Bill did not, for example, commend itself to Dr. Ambedkar. Nor did it, on the other hand, commend itself to Pandit Madan Mohan Malaviya. And, of course, for different reasons. The former was for laying greater stress on the work of material and moral uplift of the depressed classes than on such comparatively minor issues as whether they should have right to enter and worship in the same temple with the caste Hindus. Such a right, in default of real economic and educational advance, might prove little better than a lollypop which may have an ephemeral political value, but it would not make the world on the whole a better place for the Harijans to live in. Caste Hindus, travel in the railway compartments with the Harijans; they may also inter-dine with them in a place like Shrikshetra (Puri). But these do not seem to have appreciably improved their actual relations. What is needed is heart-touch and soul-touch and a feeling of brotherhood and a spirit of service amongst the caste Hindus. Where these essentials are given, what should follow will follow. Our so called culture and our present modes of life have widened and not narrowed the gulf between us and our depressed brethren. In our spirit and in the vista and venue of our living and moving, we should go back to them. Without this, our social uplift work will still be a roundabout exploitation (political or other) by a privileged class. What the caste Hindu is called upon to do is not some showy spectacular penances of social justice with a side-glance at some political or other fruits likely to be reaped from them; but attempt an overhauling of the whole ideology of his present-day plan and conduct of life with reference to the depressed strata of society. In doing so, he should look not merely to modern socialistic models, but also to some ancient models called by other names but essaying, perhaps, to found society not on abstract right and justice, but on actual love, co-operation and service. We did not wonder, therefore, that the Temple-entry and such other bills would not satisfy neither Dr. Ambedkar nor Pandit Malaviya though both, of course, wished to see the lot of the Harijans cheered and bettered. Mahatmaji, however, explained his own position with his wonted lucidity, and proposed, for instance, to solve the complicated Guruvayoor tangle by referendums. Viceregal sanction was refused to Dr. Subbarayan's Temple Entry Bill in the Madras Council but sanction was accorded to Mr. Ranga Iyer's Anti-Untouchability Bill in the Imperial Assembly.

#### XLIX. THE POONA PACT AFTERMATH

The Poona Pact had tried to smooth affairs as between the caste Hindus and the depressed classes as regards electorate and representation. But, apparently, the thing had not been set at rest by the Pact.



On Feb. 22, an All-Parties Hindu Conference had met in Calcutta, and it sent a memorandum to the Premier demanding revision of the Poona Pact. Bengal Hindus felt especially aggrieved ; for whilst, under the Communal Award as it originally stood, their political representation had been less than what they were justly entitled to ; the Poona Pact, as many of them thought, had made the position worse by dissecting that stunted representation into a depressed and non-depressed part, thus arbitrarily creating a gulf where no gulf had in fact existed.

### L. THE COMMUNAL AWARD AND AFTER

The Premier's Communal Award had not effected a cordial *entente* amongst the various communities. Apart from the fundamental flaw of having introduced the un-democratic, un-unifying, un-equilibrating principle of communal franchise and representation, it had not been by many people accepted as the best possible allocation in the communal pandemonium that was to be almost perpetuated in India. Of course, the task had been imposed upon the British Government. Indian Delegates in the R. T. C. had failed to agree. It was suggested that whilst the Moslem members were of one mind and worked as a team, the Hindus were a house hopelessly divided. It appeared to be so. But it was also asked by many how far this harmony on one side and the dis-harmony on the other had or had not been pre-ordained and pre-established by the mysterious ways of "Providence". However that might be, a communal chaos continued in India. It was a desert for hopes of communal amity and co-operation. And a very beautiful, comfortable little oasis was discovered in this shoreless desert. This time it was in Alwar. Last time, it had been in our earthly paradise Kashmere. And it was suggested that the communal caravan that encamped in Alwar did not actually drink at the little pools of that little shady nook, but had drunk their fill at ampler springs flowing in subsoil abundance outside. The Alwar affairs drew a good deal of attention, particularly Hindu attention. Dr. Moonjee even proposed an Alwar Day. It seemed to many that the Hindu community in particular were already having the full measure of retributive justice for their many (especially, political) sins of omission and commission. An escape from this communal chaos should be found not in systematic segregation with undue stress laid on the non-essential diversity of communal interests, but in political intercourse with due insistence put on the fundamental community of interests of all as Indians.

### LI. THE WHITE PAPER AGAIN : GANDHIJI'S FAST

On March 19, the text of the White Paper was made available in India. It was a volume of 119 pages comprising an Introduction, the Proposals and eight Appendices. In the words of 'The Leader' of Allahabad—"The scheme may be anything. It is certain it is not a scheme of Self-Government". While it concerned very little, every thing concerning that little was assured to be under the thumb of the British Government and Parliament. It was not a self-adjusting, self-correcting and self-perfecting scheme. We have already dwelt on this. Though Labour disclaimed responsibility for the White Paper, yet, on March 21,

we were informed that it had decided to participate in the Joint Select Committee. There was no indication of a peace move with the Congress following in the wake of the constitutional proposals. While some men in England expressed the fear that the scheme when worked would get under Congress control, the authorities in India had no indulgent smiles for activities that even savoured of active Congress association, as was, for instance, manifest from the warning of Government to Allahabad Khaddar Bhandar. About this time, arrangements were proceeding in connection with the holding of the Congress session in Calcutta, with what final results we know already. In the first half of April, the personnel of the Joint Select Committee was made known, in which Labour had a slanted share, as Major Attlee complained; yet, he was able to assure the House that Labour would not follow the primrose path of irresponsible criticism but the arduous one of fruitful cooperation. Some Indian "representatives" were invited by the Committee to "confer" with the latter, not, of course, as, co-opted members (which was constitutionally impossible), but as more or less glorified witnesses or assessors. On April 12, a statement was also issued which said that the Committee would consider applications from public bodies in India which wished to tender evidence relevant to the great constitutional issue. *The Manchester Guardian* felt satisfied at the appearance of "one more encouraging sign of a different temper in India" as reflected in the declaration of Mr. Shastri and some other prominent Liberal leaders that the Liberals would support the new constitution despite its defects. "The more vehemently Mr. Churchill and his friends denounce the Indian reforms, the more strongly Indians begin to feel that the proposals must have some value after all." Others wondered if that vehemance of Mr. Churchill and his friends were not staged exactly with a view to make Indians feel strongly on the value. In this connection, Mr. Ramachandra Rao's Presidential speech at the National Liberal Federation Meeting in Calcutta, on April 15, is deserving of a careful perusal. "No real and substantial transfer of power"—this was the gist of the Resolution adopted at that Meeting. Yet, the House of Commons Debate on the White Paper showed it to be the line of furthest possible advance. In the beginning of May, another incident in altogether another sphere greatly exercised the public mind, and also, as the sequel proved, the official mind. We refer to Mahatmaji's 21 days' fast for self-purification. It was for the sake of the Harijans. Poet Tagore appealed to Gandhiji to reconsider. But Gandhiji persisted. Government were advised to release him, which they did. Their communique, however, made it clear that their policy as to Congress, civil disobedience and political prisoners remained unchanged. They were not prepared to negotiate with the Congress, though Mahatma Gandhi, the prime mover, was released (owing to a non-political fast), and civil disobedience itself was suspended. Mere suspension was not enough. Concurrently, an unofficial peace move was seen to be on foot, in which M. Shaukat Ali moved most, if not also, first. But it did not move to the goal desired. And it did not rouse any wide public interest. Public interest was, however, painfully keen on Mahatmaji's ordeal of the fast. Mahatmaji passed the ordeal by what was called his "reserve powers", both physical and psychical. "It was the victory of spirit over flesh."

Mahatmaji broke his fast at 12-20 P.M., May, 29. All India hailed the news with a sigh of mingled relief and joy.

In the far-away Andamans and elsewhere too, there were hunger-strike fasts about this time, and unfortunate deaths, in alleged connection with the strike in the Andamans, were widely talked about. Lt. Col. Barker proceeded to make inquiries on the spot. Sir Harry Haig explained to a deputation, on June, 13, the Government position and version with regard to the Andamans.

We have taken a cursory view of some of the outstanding events of the half year. There were several matters of economic and commercial interest to which we have not here adverted, but a full account of them and other matters of public importance, will be found in their proper places in the body of this Register. Beyond making a far observation of a general character, we have not, also, told the story of violence and Government reaction thereto in this Introduction. Violence has continued as a disquieting feature of the Indian situation, and it should be tackled not only with firmness, but with wisdom and a long sight. (*Specially contributed by Prof. Pramathanath Mukhopadhyaya.*)

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# MAHATMA GANDHI'S FAST

On the 29th. April, Mahatma Gandhi announced his intention to commence an unconditional and irrevocable fast for twenty-one days in connection with Harijan work. This momentous decision of the Mahatma came as a complete surprise even to his intimate co-prisoners, Sardar Vallabhbhai and Mr. Mahadev Desai. Next day, the 30th. April, the Mahatma issued the following statement in this connection to the Associated Press:—

"A tempest has been raging within me for some days. I have been struggling against it. On the eve of the 'Harijan Day', the voice became insistent, and said: 'Why don't you do it?' I resisted it. But resistance was in vain, and the resolution was made to go on an unconditional and irrevocable fast for twenty-one days commencing from Monday noon the 8th May and ending on Monday noon the 29th May.

"As I look back upon the immediate past, many are the causes too sacred to mention, that must have precipitated the fast. But they are all connected with the great Harijan cause. The fast is against nobody in particular, and against everybody who wants to participate in the joy of it without for the time being having to fast himself or herself. But it is particularly against myself. It is a heart-prayer for the purification of self and associates for greater vigilance and watchfulness. But nobody who appreciates the step about to be taken is to join me. Any such fast will be a torture of themselves and of me. Let this fast, however, be a preparation for many such fasts to be taken by purer and more deserving persons than myself.

"During all these months since September last, I have been studying the correspondence and literature and holding prolonged discussions with men and women, learned and ignorant Harijans and Non Harijans. The evil is far greater than even I had thought it to be. It will not be eradicated by money, external organisation and even political power for Harijans, though all these three are necessary. But to be effective, they must follow or at least accompany inward organisation, and inward power, in other words, self-purification. This can only come by fasting and prayer. We may not approach the God of Truth in arrogance of strength, but in the meekness of the weak and the helpless.

"But the mere fast of the body is nothing without the will behind. It must be a genuine confession of an inner fast and, irrepressible longing to express truth and nothing but the truth.

"Therefore, those only are privileged to fast for the cause of truth, who have worked for it and who have love in them even for opponents, who are free from animal passion, and who have abjured earthly possessions and ambition. No one, therefore, may undertake without previous preparation and discipline, the fast I have foreshadowed.

"Let there be no misunderstanding about the impending fast. I have no desire to die. I want to live for the cause, though I hope I am equally prepared to die for it. But, I need for me and my fellow-workers greater purity, greater application and dedication. I want more workers of unassailable purity. Shocking cases of impurity have come under my notice. I would like my fast to be an urgent appeal to such people to leave the cause alone.

"I know that many of my Sanatanist friends and others think that the movement is a deep political game. How I wish this fast would convince them that it is purely religious.

"If God has more service to take from this body, He will hold it together despite deprivation of earthly food. He will send me spiritual food. But He works through earthly agents and everyone who believes in the imperative necessity of removing untouchability will send me the food I need by working to the best of his or her ability, for the due and complete fulfilment of the pledge given to Harijans in the name of Caste-Hindus.

"Let co-workers not get agitated over the coming fast. They should feel strengthened by it. They must not leave their post of duty; and those who have temporarily retired for much-needed rest or for being cured of ailments, are as much

at the post as healthy workers serving in their respective quarters. No one should come to me unless it be for necessary consultation on matters connected with the movement.

"It is, I hope, needless, for me to pray of friends that they will not ask me to postpone, abandon or vary the approaching fast in any way whatsoever. I ask them to believe me that the fast has come to me literally as described above. I, therefore, ask friends in India and all the world over to pray for me, with me that I may safely pass through the ordeal, and that whether I live or die, the cause for which the fast is to be undertaken may prosper.

"And may I ask my Sanatanist friends to pray that whatever be the result of the fast for me, the lid that hides the truth may be removed".

#### Mahatma's Reply to Friends' Messages

Replying to the various messages received from his friends, Mahatma Gandhi wrote the following in the "Harijan" dated the 5th May :—

"General Smuts has made a pathetic appeal to me to desist from the impending fast. Dr. Ansari binds me with a tie of love capable of standing the severest strain. He, as an old friend and a fellow-worker and as a medical man, makes a pathetic appeal to me to vary my vow. Mr. C. Rajagopalachari, keeper of my conscience, sends me a long telegram attacking the very basis of the fast. Added to these, is the fervent and personal appeal, strengthened by a copious flow of tears of Devadas, my youngest son and valued comrade.

"If these typical appeals have left me unmoved, the reader should have no difficulty in perceiving that there must be a force which has overpowered me and prevents me from responding to these and such other appeals. Underlying them, is undoubtedly distrust of my claim that this fast was prompted by God. I do not suggest that they do not believe my word, but they believe me to be under a self-delusion, a prey to my own heated imagination, made hotter by the suffocation produced by the cramping walls of the prison. I cannot deny the possibility of such a thing. But it can make no appeal to me whilst I believe to the contrary.

"I am a habitual prisoner. Prison walls have never known to have warped my judgment nor induced in me the habit of brooding. All my imprisonments have been periods of intense activity, leaving no time for brooding. I have undoubtedly brooded over the wrongs done to the Harijans. But such brooding has always resulted in a definite exaction on my part.

"The action that I was contemplating on the day preceding that fateful night, was certainly not any fast. My claim to hear the voice of God is no new claim. Unfortunately, there is no way of proving my claim except through results. God will not be God if he allowed himself to be the object of proof by His creatures. But He does give His willing slave power to pass through the fiercest of ordeals. I have been a willing slave to this most exacting Master for more than half a century. His voice has been increasingly audible as years have rolled by. He has never forsaken me even in my darkest hour. He has saved me often against myself, and left me not a vestige of independence. The greater the surrender to Him, the greater has been my joy. I, therefore feel confident, in the end, that these kindest of friends will recognise the correctness of the action I am about to take, and this whether I live or die. God's ways are inscrutable. And who knows, He may not want my death during the fast to be more fruitful of beneficent results than my life ?

"Surely, it is depressing to think that man's ability to serve dies with the dissolution of the body, which for the moment he is inhabiting. Who doubts that the spirits of Ramkrishna and Dayanand, Vivekanand and Ramtirth are working to-day amongst our midst ? It may be that they are more potent to-day, than when they were in our midst in flesh. It is not true that what good men do is oft buried with them. We burn the evil, men do with their mortal remains. We treasure the memory of the good they do, and distance only magnifies it. And why should exaggerated importance be given to the services of one single person, however good or able he may be ?

"The cause of Harijans is God's cause. He will throw up men and women as they may be required to do His will. I therefore invite General Smuts and all other friends to believe with me, that I am not acting under a hallucination, and beseech them to send up their prayer to the Almighty that He may give me strength to pass safely through the ordeal. I feel sure, if I am wanted on this earth yet for a while, for any service whatsoever. He will spare me, notwithstanding the fears of medical friends".

Gandhiji's cell, and apprised him of the news. Immediately after, Mrs. Naidu hurriedly collected Mahatmaji things and packed them up. Meanwhile the Mahatma held a prayer with Mr. Mahadeo Desai, Mr. Vallabhbhai Patel and Mrs. Naidu.

The Inspector-General of Prisons along with two others retired for about an hour, giving time for Mahatma Gandhi to get ready. Mahatma Gandhi then bade goodbye to Mr. Vallabhbhai Patel and Mr. Mahadeo Desai.

At quarter to nine, Col. Doyle returned to the Jail, and there was again a flutter inside the jail. A few pressmen who had been waiting outside all day long, smelt what was going to happen, and got their cars ready to chase Mahatma Gandhi's car. Precisely at nine, the huge jail gate clanked and the frail form of Mahatma Gandhi supported by Mrs. Naidu, emerged, all smiles. Col. Doyle and other officials followed and immediately put Mahatma Gandhi in a waiting sedan car, and dashed towards the city. Pressmen gave hot pursuit to the car, and succeeded in tracing it while it was turning to Lady Thackersey's bungalow.

None at the Thackersey bungalow knew anything about what was happening in Yerowada. As a matter of fact, Mr. Devadas Gandhi had gone out for a drive in the evening. It so happened that, while he was returning to the Thackersey Hall, the Government car carrying Gandhiji followed his, as if his own car was piloting that of Mahatmaji.

At the main entrance, Mr. Devadas received Gandhiji. Supported by his son, Mahatmaji slowly climbed the stairs leading up to the spacious drawing room of the bungalow. Lady Thackersey received him on the stairs, and took him to the verandah where he seated himself on a sofa. Then he called in the Pressmen.

Mahatmaji told the Associated Press representative that he was informed of his release only at quarter to seven by Col. Doyle, Inspector-General of Prisons. Asked if he would be staying at Lady Vithaldas Thackersey's throughout the fast, Gandhiji said that he was not sure. "It came upon me suddenly", he proceeded, "and therefore, I was unprepared. Having seen the papers yesterday, Sardar Vallabhbhai Patel and I discussed for the moment where I should stay, if I was suddenly discharged. My first thought was to go to Sabarmati, and live near the Ashram, and if that was not feasible or advisable, then to accept Lady Thackersey's invitation. Of course, the invitation of the Servants of India Society is there, as also one from the Depressed Classes Mission. But when Col. Doyle gave me the information, I felt that the best thing would be to go to Lady Thackersey's and here I am".

At the end of the interview, the Mahatma moved on the open terrace, where in the course of half an hour he was fast asleep.

#### **Civil Disobedience Suspended—Mahatma's Statement**

Simultaneously with his release, Mahatma Gandhi announced the suspension of the Civil Disobedience Movement for a month. This sensational announcement was made in a statement following consultation with and the approval of Mr. M. S. Aney, Acting Congress President.

Mahatma Gandhi appealed to the Government at the same time to release all political prisoners and withdraw the Ordinances. The Mahatma stated in his interview :

"I cannot regard this release with any degree of pleasure. As Sardar Vallabhbhai rightly remarked to me yesterday, how can I take advantage of this release in order to prosecute the Civil Disobedience campaign or to guide it? This release, therefore, puts upon me, as a seeker after truth and a man of honour, a tremendous burden and strain. This fast has to continue. I had hoped and I still hope, not to excite myself over anything and not to take part in discussions of any nature whatsoever. The whole purpose of the fast will be frustrated if I allowed my brain to be occupied by any extraneous matter, that is, any matter outside the Harijan work. At the same time, having been released, I should be bound to give a little of my energies to a study of the Civil Disobedience movement.

"Of course, for the moment, I can only say that my views about Civil Disobedience have undergone no change whatsoever. I have nothing but praise for the bravery and self-sacrifice of the numerous civil resisters, but having said that, I cannot help saying that the secrecy that has attended the movement is fatal to its success. If, therefore, the movement, must be continued, I would urge those who are guiding the movement in different parts of the country to discard all secrecy. I do not care if, thereby, it becomes difficult to secure a single civil resister.



"There can be no doubt that fear has seized the common mass. The Ordinances have cowed them down, and I am inclined to think that the secret methods are largely responsible for the demoralisation. The movement of Civil Disobedience does not depend so much upon the quantity as on the quality of men and women taking part in it, and if I was leading the movement, I should sacrifice quantity and insist on quality. If this could be done, it would immediately raise the level of the movement.

"I can say nothing as to the actual campaign. The reflections I have given, I had bottled up all these many months, and I can say that Sardar Vallabhbhai is one with me in what I have said. One word I would say. Whether I like it or not, during these three weeks, all civil resisters will be in a state of terrible suspense. It would be better if the President of the Congress, Bapuji Madhavarao Aney, were to officially declare suspension for one full month or even six weeks.

"Now, I would make an appeal to the Government. If they want real peace in the land, and if they feel there is no real peace, if they feel that Ordinance rule is no rule, they should take advantage of this suspension, and unconditionally discharge all the civil resisters. If I survive the ordeal, it will give me time to survey the situation, and to tender advice both to the Congress leaders and if I may venture to do so, to the Government. I would like to take up the thread at the point where I was interrupted on my return from England.

"If no understanding is arrived at between the Government and the Congress as a result of my effort, and Civil Disobedience is resumed, it will be open to the Government, if they so choose, to revive the Ordinance Rule.

"If there is the will on the part of the Government, I have no doubt that a *modus operandi* can be found. Of this, so far as I am concerned. I am absolutely certain that Civil Disobedience cannot be withdrawn so long as so many civil resisters are imprisoned. No settlement can be arrived at so long as Sardar Vallabhbhai, Khan Sahab Abdul Gaffar Khan and Pandit Jawaharlal Nehru and others are buried alive. Indeed, to call off civil resistance is not within the power of any of the men who are out of prison. It is possible only for the Working Committee that was in existence at the time I was arrested.

"I shall say no more on the Civil Disobedience movement. Perhaps, I have already said too much, but if I was to say anything, I could say so only whilst I have strength left in me. I would urge pressmen not to worry me any more. I would urge also would-be visitors once more to restrain themselves. Let them regard me as being still in prison. I shall be unfit for holding political discussions or any other discussions.

"I would like to be left in perfect peace, and I would like to tell the Government that I shall not abuse the release. If I come safely through the ordeal and I find the political atmosphere as murky as it is to-day, without taking a single step secretly or openly in furtherance of Civil Disobedience, I shall invite them to take me back to Yerwada to companions whom I almost seem to have deserted.

"It was a great privilege for me to have been with Sardar Vallabhbhai. I was well aware of his matchless bravery and his burning love for the country, but I had never lived with him as I had the good fortune to do during the last sixteen months. The affection with which he covered me recalls to me that of my own dear mother. I never knew him to possess motherly qualities. If the slightest thing happened to me, he would be out of his bed. He superintended every little detail in connection with my comforts. He and my other associates had conspired to let me do nothing, and I hope that the Government will believe me when I say that he always showed a remarkable comprehension of the difficulties of the Government, whenever we discussed any political problem. His solicitude for the farmers of Bardoli and Kaira I can never forget."

Mahatma Gandhi dictated his lengthy statement suggesting suspension of Civil Disobedience slowly and deliberately. Often he would pause for a few minutes together. After he had actually dictated the portion advocating suspension, he stopped and turning to a Press correspondent told him: "Now, what I am going to say, I think, I should have the approval of the Congress President Mr. M. S. Aney". So, he wanted the statement to be shown to Mr. Aney, Acting President, and then published after his approval.

Accordingly, Mr. Aney was immediately sent for, and after he had carefully read through it in consultation with Mrs. Naidu and Mr. Devadas Gandhi, the statement was released at 11-30 p. m.

**Mr. Aney's Statement**

Mr. M. S. Aney, Acting President of the Congress, issued on the 9th May the following statement in connection with the statement issued by Mahatma Gandhi on his release :

"I feel sure, although the news of the fast of Mahatma Gandhi is bound to cast a dark shadow of anxiety and gloom throughout the country, that it will be some relief to his countrymen, as well as friends and followers throughout the world, to know that the Government has at any rate released him unconditionally, and allowed him to observe his vow and practise his great penance as a free citizen. In the statement issued to the Press, last night, after his release, he has expressed his views on the conduct of the Civil Disobedience movement which I have no doubt will receive the consideration they deserve from every Civil Resister.

"It is perfectly true that during the period of the fast, Civil Resisters would be in a state of suspense, and as a consequence he has advised me to officially suspend the Civil Disobedience campaign for one month or even six weeks. In his statement, he has emphatically stated what I have been saying more than once during the last four months, in reply to various critics of the Civil Disobedience movement that "Civil Disobedience cannot be withdrawn so long as many Civil Resisters are imprisoned and no settlement can be arrived at so long as Sardar Vallabhbhai Patel, Pandit Jawaharlal Nehru, Abdul Gaffar Khan and others are buried alive. Indeed, the withdrawal of Civil Disobedience is not within the power of the men who are out of prison. It is possible only for the original Working Committee to do so. I repeat the position so lucidly and emphatically enumerated by Mahatma Gandhi.

"The above is the only rational and constitutional position for Congressmen to take on the point of withdrawal of the Civil Disobedience campaign. But the question of suspending the campaign to serve a definite object for a limited period undoubtedly stands on a different footing. It is no doubt a serious responsibility which I have been called upon to shoulder. But I am armed with the weapon that the advice comes from one who is not only the author of the present Civil Disobedience campaign, but the originator and sole authority on the science and practice of Civil Disobedience itself.

"In response to the Mahatma's suggestion, which also strikes me as the proper thing to do at this time and in order to eliminate from the atmosphere all elements of excitement to render it pure for all of us to enable to be in a prayerful mood to invoke the blessings of the Almighty on the great cause for which Mahatma Gandhi is undergoing this penance and to supply him with abundance of spiritual food so necessary to sustain him through this ordeal, I declare officially that the Civil Disobedience movement shall be suspended for six-weeks beginning with Tuesday, the 9th May.

"In conclusion, I repeat my appeal to every man and woman to utilise this period to the best of his or her ability and energy in the service of such work for the uplift of Harijans, as may most commend itself to him or her".

**Govt. of India's Reply to Above**

The following is the text of the communique, issued by the Government of India on the 9th. May :—

"The release of Mr. Gandhi, consequent on his undertaking a prolonged fast which, as he has stated, is wholly unconnected with the Government and solely connected with the Harijan movement, indicates no change whatever in the Government's general policy towards the release of Civil Disobedience prisoners, or towards those, who openly or conditionally support the Civil Disobedience movement.

"The position of the Government in regard to the release of Civil Disobedience prisoners was stated by the Home Member in the Legislative Assembly on the 1st April last. In the course of his speech, he said : 'If, in fact, the Congress do not mean to revive the struggle, why should that not be made plain? Is there a mental reservation that if the policy of the Government is not to their liking, they will hold over the head of the Government a threat of revival of the Civil Disobedience movement? There can be no co-operation under a menace of renewal of Civil Disobedience. We have no wish to keep these prisoners longer than circumstances require, but equally we are determined not to let them out when their release might lead to renewal of Civil Disobedience. We must not risk re-starting of the trouble

by premature action. Our position has been summed up in the words used by the Secretary of State in the House of Commons.' He said : 'We must have convincing reasons to believe that their release would not be followed by a revival of Civil Disobedience.

"A mere temporary suspension of the Civil Disobedience movement, intended to lead up to negotiations with the Congress leaders, in no way fulfils the conditions, which would satisfy the Government of India that in fact the Civil Disobedience Movement has been definitely abandoned. There is no intention of negotiating with the Congress for a withdrawal of the Civil Disobedience movement, or of releasing the leaders of that movement with a view to arriving at any settlement with them in regard to these unlawful activities."

### The End of the Fast

On the completion of the Twenty-One Days, Mahatma Gandhi broke his fast at 12-25 on the 29th. May with a glass of orange juice prepared by Smta. Kasturbai Gandhi.

Mahatmaji broke the silence at 11-30 and shortly afterwards he joined in the prayers which included recitations from the Hindu and Zoroastrian Scriptures as well as the Bible.

A small but representative gathering, in which the Harijans were prominent, was present at "Parnakuti" before the fast was broken. Prayers were offered for half-an-hour and these included recitations of Hindu hymns by Sjt. Mahadev Desai, chapters from the Quoran by Dr. Ansari as well as from the Zoroastrian and Christian scriptures.

Mahatmaji all the time lay on a couch, listening to the chanting of the prayers.

Before taking the orange juice, Mahatmaji dictated to Sjt. Mahadev Desai a brief message urging those present to join in the prayers.

Just before breaking his fast, Mahatma Gandhi addressed the following few words to the gathering through Sjt. Mahadev Desai:—

"Within a minute or two, I am going to break the fast. In His (God's) name and with faith in Him was it taken. In His name it terminates. My faith is not the less to-day, but more. You will not expect me to make a speech on this occasion. It is an occasion for taking the name and singing the glory of God, but I may not forget the doctors and other friends, who have poured forth their affection on me during these days of privilege and grace.

"I cannot help referring to those because these kind services are a part of God's mercy. I have nothing but praise to give them. God alone can give them the fitting reward.

"I am glad that the Harijans are here with us to-day. I do not know exactly what work God expects from me now, but, whatever it may be, I know he will give me strength for it."

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**Proceedings of**

**THE COUNCIL OF STATE**

**THE LEGISLATIVE ASSEMBLY**

**And the**

**PROVINCIAL COUNCILS**



# THE COUNCIL OF STATE

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THE HONOURABLE SIR MANECKJI  
BYRAMJI DADABHOY

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MIAN SIR FAZL-I-HUSAIN
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HALLET
4. THE HONOURABLE MR. J. A.  
SHILLIDY
5. THE HONOURABLE MR. J. BART-  
LEY
6. THE HONOURABLE SIR CHARLES  
WATSON
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9. THE HONOURABLE MR. T. A.  
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COTTERELL
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MURPHY

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SRIKRISHNA KHAPARDE

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NATESAN
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DR. SIR N. CHOKEY
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KUMAR BASU

7. THE HONOURABLE KHAN BAHADUR  
SIR MUHAMMAD ISRAR  
HASAN KHAN
8. THE HONOURABLE KHAN BAHADUR  
SHAIKH MAQBUL HUSAIN
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JIT SINGH
10. THE HONOURABLE NAWAB MALIK  
MOHAMMAD HAYAT KHAN NOON
11. THE HONOURABLE MAHARAJADHI-  
RAJA SIR KAMESWAR SINGH
12. THE HONOURABLE MAJOR NAWAB  
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VELLINGIRI GOUNDER
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G. NARAYANASWAMI CHETTI
5. THE HONOURABLE SAYYAD MOHAMED  
PADSHAH SAHIB BAHADUR.
6. THE HONOURABLE SARDAR SHRI  
JAGANATH MAHARAJ PANDIT
7. THE HONOURABLE MR. HOR-  
MUSJI MANECJI MEHTA
8. THE HONOURABLE SIR PHIROZE C.  
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SIR SULEMAN HAJI MITHA
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11. THE HONOURABLE MR. E. MILLER
12. THE HONOURABLE MR. JAGADISH  
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PENDRA NARAYAN SINHA
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DRA CHANDRA GHOSH MAULIK
15. THE HONOURABLE KHAN BAHADUR  
SYED ABDUL HAFEEZ
16. THE HONOURABLE MR. MAHMOOD  
SUHRAWARDY
17. THE HONOURABLE SIR EDWARD  
BENTHALL
18. THE HONOURABLE RAI BAHADUR  
LALA MATHURA PRASAD MEHRO-  
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| 20. THE HONOURABLE RAJA SIR<br>MOTI CHAND               | 27. THE HONOURABLE RAI BAHADUR<br>RADHA KRISHNA JALAN                   |
| 21. THE HONOURABLE KHAN BAHADUR<br>HAFIZ MUHAMMAD HALIM | 28. THE HONOURABLE RAJA RAGHU-<br>NANDAN PRASAD SINGH                   |
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| 24. THE HONOURABLE SARDAR BUTA<br>SINGH                 | 31. THE HONOURABLE RAI RAHADUR<br>PROMODE CHANDRA DUTT                  |
| 25. THE HONOURABLE KHAN BAHADUR<br>CHAUDRI MUHAMMAD DIN | 32. THE HONOURABLE MR. A HAMID  |
-

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CHETTY

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3. SIR JOSEPH SHORE
4. SIR HARRY HAIG
5. SIR FRANK NOYCE
6. G. R. F. TOTTENHAM
7. G. S. BAJPAI
8. H. A. F. METCALFE
9. D. G. MITCHELL
10. P. R. RAU
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12. G. M. TRIVEDI
13. SIR THOMAS RYAN
14. KHAN BAHADUR J. B. VACHHA
15. A. RAISMAN
16. SIR JOHN MEGAW
17. P. C. DUTT
18. A. G. LEACH
19. A. ACOTT
20. G. S. DUTT
21. KHAN BAHADUR MAULVI A. H.  
M. ABDUL HYE
22. KHAN BAHADUR SAIYID AMIR  
HUSSAIN SHAH
23. KHAN BAHADUR MALIK ALLAH  
BAKSH KHAN TIWANA
24. P. P. SINHA
25. C. K. SEAMAN
26. JAMES HEZLETT

### From Berar (1)

- MR. S. G. JOG

### (b) Non-official (14)

1. SIR ZULFIQUAR ALI KHAN
2. SARDAR BAHADUR SARDAR JAWA-  
HAR SINGH
3. RAI BAHADUR S. C. MUKHERJEE
4. DR. FRANCIS XAVIER DESOUZA
5. RAO BAHADUR M. C. RAJAH
6. R. S. SARMA
7. N. M. JOSHI
8. KHAN BAHADUR MAULVI RAFIUD-  
DIN AHMED
9. DR. R. D. DALAL
10. HONY. CAPTAIN RAO BAHADUR  
CH. LAL CHAND

11. CAPTAIN SHER MOHAMMAD KHAN
12. MAJOR NAWAB AHMAD NAWAZ  
KHAN

13. R. T. H. MACKENZIE
14. LIEUT.-COLONEL SIR HENRY  
GIDNEY

### Elected—Non-officials (104) (1) Madras (16)

1. M. R. RY. DIWAN BAHADUR A.  
RAMASWANI MUDAL'AR
2. B. SITARAMA RAJU
3. MOTHAY NARASINHA RAO
4. M. R. RY. PONAKA GOVINDA  
REDDY GARU
5. T. N. RAMKRISHNA REDDI
- 6.
7. DIWAN BAHADUR T. RANGA-  
CHARIAR
8. RAJA BAHADUR G. KRISHNAMA-  
CHARIAR
9. M. R. RY. B. RAJARAM PANDIAN  
AVARGAL
10. K. P. THAMPAN
11. MOHAMED MUAZZAM SAHIB  
BAHADUR
12. MAULVI SYED MURTAZA SAHIB  
BAHADUR
13. KOTTAL UPPI SAHEB BAHADUR
14. F. E. JAMES
15. RAJAH SIR VASUDEVA RAJAH
- 16.

### (2) Bombay—(16)

17. NAOROJI M. DUMASIA
18. SIR COWASJEE JEHangIR
19. DIWAN LALCHAND NAVALRAI
20. N. N. ANKLESARIA
21. SIR IBRAHIM RAHIMTOOLA
22. B. V. JADHAV
23. N. R. GUNJAL
24. RAO BAHADUR B. L. PATIL
25. RAHIMTOOLA M. CHINoy
26. SETH HAJI ABDoola HARoon
27. NAWAB NAHARSINGHJI ISHWAR-  
SINGJI
28. SIR LESLIE SEWELL HUDSON
29. D. N. O'SULLIVAN
- 30.
31. SARDAR G. N. MAJUMDAR
32. H. P. MODY

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33. C. C. BISWAS
34. NABAKUMAR SING DUDHORIA
35. BABU AMAR NATH DUTT
36. PANDIT SATYENDRANATH SEN
37. BABU KHITISH CHANDRA NEOGY
38. S. C. MITRA
39. SIR ABDUR RAHIM
40. SIR ABDULLA-AL-MAMUM SUHRA-  
WARDY
41. A. H. GHUZNAVI
42. HAJI CHAUDHURY MOHAMAD  
ISMAIL KHAN
43. MD. ANWAR-UL-AZIM
44. K. AHMED
45. R. SMITH
46. E. STUDD
47. G. MORGAN
48. SRIJUT DHIRENDRA KANTA  
LAHIRI CHAUDHURY
49. SATIS CHANDRA SEN

## (4) United Provinces—(16)

50. LALA RAMESHWAR PRASAD BAGLA
51. CHAUDHRI ISRA
52. KUNWAR RAGHUBIR SINGH
53. C. S. RANGA IYER
54. A. HOON
55. A. DAS
56. RAI BAHADUR L. BRIJ KISHORE
57. SARDAR NIHAL SINGH
58. KHAN BAHADUR HAJI WAJIH-  
DIN
59. KUNWAR HAJEE ISMAIEL ALIKHAN
60. MUHAMMAD YAMIN KHAN
61. MAULVI SIR MOHAMMAD YAKUB
62. DR. ZIA UDDIN AHMAD
63. MOHAMED AZHAR ALI
64. J. R. SCOTT
65. LALA HARI RAJ SWARUP

## (5) Punjab—(12)

66. BHAI PARMA NAND
67. JAGAN NATH AGGARWAL
68. B. R. PURI
69. HONY. LT. NAWAB MD. IBRAHIM  
ALI KHAN
70. SAIKH SADIQ HASAN
71. MIAN MOHAMMAD SHAH NAWAZ

72. MAJOR NAWAB MALIK TALIB  
MEHDI KHAN
73. SHAIK FAZAL HAQ PIRACHA
74. KHAN BAHADUR MAKHDUM SAYAD  
RAJAN BAKSH SHAH
76. SIRDAR HARBANS SINGH BRAR
76. SARDAR SANT SINGH
77. SIRDAR SOHAN SINGH

## (6) Bihar &amp; Orissa (12)

78. PANDIT RAM KRISHNA JHA
79. BABU GAYA PRASAD SINGH
80. B. N. MISRA
81. B. DAS
82. BADRI LAL RASTOGI
83. KUMAR GUPTESHWAR PRASAD  
SINGH
84. RAI BAHADUR SEKHRAJ ROY
85. THAKUR MAHENDRA NATH SHAH  
DEO
86. M. MASWOOD AHMAD
82. MAULVI BADI-UZ-ZAMAN
88. MAULVI MUHAMMAD SHAFEE  
DAOODI
89. BHUPUT SINGH

## (7) Central Provinces (5)

90. RAO BAHADUR S. R. PANDIT
91. SIR HARI SINGH GOUR
92. SETH LILADHAR CHAUDHRY
93. KHAN BAHADUR H. M. WILAYAT-  
ULLAH
94. GOSWAMI M. R. PURI

## (8) Assam—(4)

95. T. R. PHOOKUN
96. KUMAR GOPIKA ROMON ROY
97. ABDUL MATIN CHAUDHURY
98. H. B. FOX

## (9) Burma—(4)

99. JEHANGIR K. MUNSHI
100. U. KYAW MYINT
101. U. BA MAUNG
102. E. S. MILLER

## (10) Delhi—(1)

103. BHAGAT CHANDI MAL COLA

## (11) Ajmer-Merwara—(1)

104. DIWAN BAHADUR HAR BILAS  
SARDA

# THE COUNCIL OF STATE

WINTER SESSION—NEW DELHI, 16th FEBRUARY to 15th. APRIL 1933.

The Council of State commenced its Winter Session at New Delhi, on the 16th. February, Sir Maneckji Dadabhoy, the first non-official President, in the chair.

Sir Fazl-i-Hussain, Leader of the House, tendering most hearty congratulations to Sir Maneckji Dadabhoy on being the first non-official President, said it was an epoch-making appointment in the history of the Council. It was a fitting recognition of a brilliant and varied career.

Sir Maneckji, acknowledging the congratulations and promises of support from the House, said that when he accepted the office, he felt it as the call of duty and service. He also realised that the main object of the Governor-General was to do honour to the non-official members of the Council who had in the past played such an important part, and who on many momentous occasions by the exercise of prudence, commonsense and sober judgment, had fully justified the creation of the Upper Chamber.

Sir Guthrie Russell then presented the Railway Budget.

## NEGOTIABLE INSTRUMENTS ACT AMENDMENT

Mr. Taylor then introduced the Bill to amend the Negotiable Instruments Act, by adding, in Section 85, the following sub-section: "Where a cheque is originally expressed to be payable to bearer, the drawee is discharged, by payment in due course to the bearer thereof, notwithstanding any endorsement, whether any such endorsement purports to restrict or exclude further negotiation."

This amendment was rendered necessary, said Mr. Taylor, by the ruling of the Bombay High Court which stated that a bearer bill could legally be charged to an order bill by endorsement. This made it incumbent on banks to examine all endorsements upon bearer cheques, and thus considerably increased the work and responsibility of banks without any compensatory advantage to the general public. The Bill aimed at removing difficulty of banks and provided that no bearer cheques would lose their bearer-character, notwithstanding any endorsement.

The Council then adjourned till the 18th.

## GENERAL DISCUSSION OF RAILWAY BUDGET

18th. FEBRUARY :—The general discussion on the Railway Budget was held to-day and lasted for about three hours. It was marked by very tame speeches and a number of "recommendations or suggestions" which the Hon. Members made to the Railway Member.

Mr. J. C. Bannerji said that he did not share the optimism of the Railway Member, and felt that more economies could be effected in the railway administration. The "Axe", however, mainly applied to the subordinate staff, leaving untouched the high salaries of the officers. The speaker suggested a committee to enquire into the whole railway administration with a view to finding avenues of economy. He also suggested the abolition of the Railway Clearing Office and the affording of greater comforts for third and intermediate classes. In conclusion, he advised that the Conference for the co-ordination of railway and road services should deal with the subject fairly and not make proposals which would be detrimental to road interests.

Rai Bahadur Ramsarandas, Leader of the Opposition, ascribed the present depression to enhancement of railway rates and fares which diverted traffic both of goods and passengers to motor lorries. He strongly criticised the restoration of half of the cut in the salaries, especially when railway earnings had touched rock-bottom, and suggested that the loss on strategic railways should be borne by the Army estimates. The Rai Bahadur held that week-end concession tickets had proved useful in encouraging traffic and should be reintroduced. The speaker criticised the policy of the Government in giving training to twelve Indians in the mechanical side and recruiting only six. This was really a waste of public money. Lala Ramsarandas welcomed the appointment of Mr. Pope, but felt that if some United States railway expert was associated with him, the enquiry would yield better results. In conclusion, he pleaded that the representation of the legislature, trade and commerce should be secured on the proposed Road Railway Conference.



*Mr. Kalliker* regretted that constant drawing from the reserve and depreciation funds had now reduced their resources to rock-bottom. If the Government wished to operate the Railways on business lines, they should carry out more retrenchment and economies in the cost of administration. The speaker pleaded for the reduction of rates and fares, with a view to fighting the road competition.

*Mr. Hussain Imam* observed that while the Chief Commissioner had claimed an economy of Rs. 4.24 crores during the four years, the Railway administration report was more honest, and showed that a good deal of this saving was made by expenditure postponed. Then, again, while company-managed railways like the M. and S. M. showed a decrease in expenses of three lakhs compared to 1923, State-managed railways showed a great increase during the same period. Then, again, during the last eight years, the number of European and Anglo-Indian officers had decreased only by four from 18,064 to 18,060. At this rate, he said, Indianisation of railways would take 36,000 years. Then, again, retrenchment among Muslim employees had been double than among others. The Lee concession, which were given as a favour, should be withdrawn, and the Railway Clearing Accounts Office, which was kept only for book adjustments, should be abolished, thereby saving the Government of Rs. 16 lakhs annually.

*Sir Joseph Bhole*, replying to the debate, expressed regret that he could not derive the benefit of the observations on the subject by *Sir Maneckji Dadabhoy*, but was glad that his experience was obtainable in a wider sphere. He said that while he (the Railway Member) had proceeded with caution, the House should not take a pessimistic view like *Mr. Suhrawardy*. The position of the Indian Railways was eminently sound, and comparatively better than of any other railway system in the world. He assured *Lala Ramsarandas* that replacement of wagons was necessary, because those to be replaced were definitely uneconomic. He informed *Mr. Miller* that only such remodelling of stations was being undertaken, as would definitely lead to economy. As regards the question of rates, it looked *prima facie* attractive, but none had shown him that decrease would be compensated by increased traffic. He regretted that he could not accept *Lala Ramsarandas's* suggestion to give preferential rates to certain commodities.

*Lala Ramsarandas* : Then why do you do so in the case of the Army ?

*Sir Joseph Bhole* : "My predecessor said that it was something better to let sleeping dogs lie, but I am looking into the matter carefully".

*Sir Joseph Bhole* assured the House that after the Pope Enquiry was over, an expert committee would be appointed. He finally gave a personal assurance that he would look into all criticisms. The Railway Board and the speaker welcomed the criticisms. The Railway Member concluded that in spite of mistakes and errors that might have been committed, the railways were in an undeniably sound position.

The House then adjourned till the 20th.

#### INDIAN MARINE ACT AMEND. BILL

**20th. FEBRUARY :—**The Council held one hour's sitting to-day to dispose of official business, consisting of four Bills, all of which were passed without amendments.

*H. E. the Commander-in-Chief*, moving for consideration of the Bill to amend the Indian Marine Act, said that the Bill was a step towards India's assuming responsibility for her defence, which was essential for her achieving self-government. To-day India was paying a fixed contribution to the British Exchequer for the policing and defence of Indian coast-line ports. The British taxpayer however would not be willing to be burdened with this expenditure. The Indian Marine, on the other hand, had made remarkable progress, during recent years, and the Bill was intended to create a small reserve to be of practical use and value during times of emergency, and also in giving a chance, in the name of duty, to private individuals, both Indians and Europeans. To begin with, the reserve would be a very small one, not costing more than Rs. 40,000 a year. The creation of the force however needed discipline, in any rules, for provision was made by the Bill. In conclusion, the Commander-in-Chief referred to the Indian Navy Bill which was rejected by the Legislative Assembly and said that if a desire was expressed for a revision of the measure, the Government would be willing to respond to the request.

*Mr. J. C. Bannerji* and *Mr. Lala Jagdish Prasad* supported the Bill, the latter enquiring whether there would be any proportion between the recruitment of Indians and Europeans in the new reserve. *H. E. the Commander-in-Chief* gave a personal assurance that the reserve would be predominantly Indian. The Bill was passed.

### OTHER BILLS

*Bills, one amending the Indian Forest Act and the other prohibiting the pledging of children's labour were also passed.*

*Mr. J. B. Taylor*, moving for consideration of the *Negotiable Instruments Amendment Bill*, gave a history of the measure and said that it was designed to protect banks and private individuals. A similar Bill was introduced in the Legislative Assembly in 1927, but was rejected in 1929, one reason being that the subject would be enquired into by the Central Banking Committee then set up. The Government had consulted Imperial Bank also. The present Bill provided that cheques originally drawn to "bearer" shall not lose their "bearer" character notwithstanding any endorsement thereon, whether in full or in bank, and whether such endorsement purported to restrict and exclude further negotiation or not. The speaker claimed that the Bill would foster the "cheque" habit amongst Indians by making the purport of the cheque clear to laymen. The Bill was passed, and the Council rose.

### STORES PURCHASE POLICY

**21st. FEBRUARY:—**The non-official resolutions figured on the agenda paper when the Council reassembled to-day. *Mr. Jagdish Pershad* moved that:—

(1) In accordance with the recommendations of the Stores, Stationery and Printing Retrenchment Committee, definite orders be issued to all departments that all stores other than those of a specially technical nature be in future purchased through the Indian Stores Department.

(2) An Advisory Committee presided over by the Member for Industries be appointed to review from time to time how far the policy of the Government regarding the purchase of stores was being given effect to.

*Mr. Jagdish Pershad* said that when the Stores Department was first inaugurated, the Commerce Member made a definite statement that all Government purchases would be made through this department, but in spite of this undertaking only an infinitesimal portion of railway stores was being purchased through the department and of the Army department still less. If the Government of India had the interest of indigenous industries at heart they should accept the recommendations of the Stores, Stationery and Printing Retrenchment Committee.

*Mr. J. A. Shillidy* refuted the statement that the Army and the Railways were not making purchases through the Stores Department. He asserted that the purchases by these departments were increasing every year, and 63 per cent of the Medical Stores and 72 per cent of other stores of the Army were purchased or manufactured in India. *Mr. Shillidy* said that the Government still had under consideration the whole question and would reach decisions shortly. Till those decisions were reached, however, the Government were not in a position to accept the resolution. He assured the Council that in reaching decision the recommendations of the Retrenchment Committee would be given full weight.

The resolution was withdrawn.

### SALARIES CUT

*Mr. Hussain Imam* next moved that the cut in salaries be only restored when 25 per cent of the surcharge imposed by the second Finance Bill was also abolished. The mover said that the Government's last Budget was based on three things, retrenchment, additional taxation and salary cuts. It was wrong for the Government to make an announcement of a partial restoration in "cut" without a simultaneous announcement in respect of the other two items. Even a surplus budget did not justify the step, as restoration of the "cut" would affect the Provincial Governments and local bodies to the extent of four crores. The speaker admitted that the Government could not undo what they had announced, but should now announce by accepting the resolution that the further five per cent "cut" would only be restored simultaneously with the abolition of the surcharges.

*Mr. J. B. Taylor*, Finance Secretary, on behalf of the Government, stated that he could not discuss the merits of the case as it would be announcing prematurely Budget secrets, which no civilised Government could do. The reason for the announcement of the restoration of the "cut" was that the commercial services of the Government were also affected and pleaded for an announcement of their decision for the preparation of their estimates. Similar reasons applied to other departments of the Government. *Mr. Taylor* said that the Budget would be before the Council shortly, and then they would have an opportunity of subject on all its bearings. He asserted that the reason which



Government to announce a partial restoration of the "cut" did not apply to other items and the intention of the Government in this respect could not be disclosed before the Budget. He therefore advised the mover to withdraw the resolution, failing which the Government would have to oppose it.

The resolution was pressed to a division and defeated by 20 votes to 18.

The Council adjourned till February 28th. when the General Budget was presented by Mr. J. B. Taylor, Finance Secretary, in a speech lasting forty-five minutes, at the end of which he was loudly cheered. The Council then adjourned till the 4th March.

#### GENERAL DISCUSSION OF BUDGET

**4th. MARCH :—**The general discussion of Budget commenced in the Council to-day. *Lala Ramsarandas*, Leader of the Progressive Party, speaking first, regretted that he could not congratulate the Finance Member or the Secretary on producing, what was said, to be a balanced budget. The budget was balanced by linking the rupee to sterling and by an enormous export of gold. There was no justification for increasing the import duty on artificial silk goods. Was this extra duty going to help the local industry? The real reason for Japanese dumping into India was that the Yen had gone down. Proceeding, *Lala Ramsarandas* held that there was no justification for the maintenance of the pre-war level of Army expenditure. He wanted the Government to embark on a policy of granting protection to industries in general. He also pleaded for a five-year economic plan for India on an All-India basis.

*Mr. G. A. Natesan* held that there was on one side a highly coloured picture of India's high credit and sound finances. On the other, there was the spectacle of low exports, high level of taxation and high gold exports. From his knowledge of economic conditions in the country, he could say that business-houses and ryots were suffering from the trade slump and high taxation, and things were not as happy as others tried to make them believe. He reminded the House that Indian and European business-houses had to make a large reduction in their staff to meet the situation, and business-conditions had not materially improved during the last eighteen months. Yet, the Government had chosen not to give relief to the general tax-payer, but had restored fifty per cent of salaries cut, which would cost them over one crore of rupees. *Mr. Natesan* criticised the Army policy of the Government of India and asked whether there was any chance of a reduction in the capitation charges, and pleaded for purchases of stores for the Army through the Indian Stores Department.

*Mr. Bijaykumar Basu* deplored that the lowering of the income-tax level to Rs. 1,000 was playing havoc in millions of homes. The Government ought to have considered this factor, before they restored half of the cut in salaries. He was not satisfied with the mere extension of the anti-dumping duty and hoped that stronger measures would be adopted in order to protect the principal industry of the country, namely, the cotton textile industry. The military expenditure could still further be considerably reduced without loss of efficiency, and in his opinion, the expenditure should not exceed forty crores. He protested against the revival of the stamp duty on cheques.

*Mr. Jagadish Prasad*, criticising the restoration of half of the "cut" in salaries, said that it looked as if the public existed for the Services and not the Services for the public. He strongly pleaded for a reduction of the postal rates to the original level and for restoration of the cuts in University grants. He regretted that the costly Lee concessions were not withdrawn despite the continuance of the financial stringency. *Mr. Jagadish Prasad*, proceeding, complained against the treatment meted out to members of the Council of State. Hardly any member of the Council had been put on the Select Committee of any Bill. Considering the composition of the Assembly, it was not surprising that the Government were always anxious to placate the Assembly.

*Mr. J. C. Banerjee*, while complimenting the Finance Member for his splendid performance in showing a surplus of forty-two lakhs, asserted that the imposition of additional taxes in the shape of further duties on imported boots and shoes and artificial silk for protective purposes, and also the revival of the stamp duty on cheques did not redound to his credit in husbanding the resources for purpose of incurring public expenditure. He maintained that the continuance of the eighteen pence ratio even when the rupee was linked to the sterling, was an ugly feature of the Government's work in India, which was detrimental to India's economic resources. The

man-in-the-street did not understand the intricacies of the budget, nor did he care to know all of them. What he really wanted was lightening of the burden of taxation.

*Mr. H. M. Mehta* was gratified at the Finance Member's wonderful budget, and paid a tribute to Sir George Schuster for his great ability in balancing the budget, while most of the wealthy countries were still in a financial morass. He also thanked the people for the help they had afforded at the crisis, which made the task of the Finance Member easier. He pointed out that the gold which left the country so far was only excess gold, which was not wanted. Only rich rajas, zeminders and those who hoarded it for love of gold, had parted with their hoardings when the price had gone up. The recent gold export brought to India nearly fifty-six crores of rupees profit, which was a great boon to the country. Speaking of the cotton textile industry, Mr. Mehta pointed out how Japanese competition throttled the Bombay mill industry. This menace was rapidly spreading to other parts of the country. He hoped that a proper remedy would be devised by the Government as early as possible.

*Sir Akbar Khan* asserted that the country's industries were not flourishing in spite of protection. Sir Akbar Khan, proceeding, asked whether it was fair on the part of the authorities to restore the "cut" in salaries without any attempt to reduce the income-tax or do anything for the betterment of the general tax-payer.

*Sir Edward Benthall* regarded the Budget as most unsatisfactory, from the point of view of the tax-payer and the businessman. According to the Finance Member, there were 150 crores worth of imports last year of which 110 crores were paid by exports and 40 crores by the sale of gold. In respect of these imports, the tax-payer paid no less than 42 crores by way of customs, and 10 crores by way of export duties and excise. Such heavy taxation was unendurable for long. In regard to income-tax, Sir Edward Benthall said that the Finance Member was anticipating Rs. 50 lakhs more in the next year. But coming from Bengal, where the jute, tea and coal industries were in the depths of depression, with little sign of relief, it was difficult to see where the income was coming from. The speaker asserted that although the trade of India had halved, the burden of taxation had increased by 15 per cent. The incidence of taxation in 1932 was 10 per cent, now it was 30 per cent. The action of the Government in putting a surcharge on coal freights was driving the industries of the country to destruction, and it was merely a question of time, if this sort of things continued, before sources of taxation would dry up. Sir Edward Benthall regretted that on the one side, the Government had refused to lighten the burden of taxation, and on the other refused to embark on any capital expenditure which might be calculated to improve the situation. At the same time, the Finance Member in his speech had hoped that the low rates of interest would provide a revival of capital expenditure, adding that that was the only sound way by which an exit could be found from the present depression and that industrial revival would soon make it possible to reduce taxation. The speaker regretted that the Finance Member had not practised what he preached. When money rates were high and the prices were dear, the Government were quick to embark on costly schemes, which in times of low prices were apt to become a burden to them. He pleaded for a revision of the policy and suggested that the Government should embark on a bold programme of far-sighted capital development. This was the only course to put money into circulation. Concluding, Sir Edward Benthall referred to Mr. G. A. Natesan's remarks on the Army budget, and said that in comparing figures with other countries, they should take into consideration not only the Central Government's Budget, but also the Provincial Budgets. Then, it would be found that the figure for military expenditure was a great deal lower. Again, in comparing the present Army Budget with the pre-war figures, they must take into consideration a number of additional items of expenditure like war prisoners, war debts, mechanisation proposals, etc. It was something that a reduction of Rs. 20 lakhs had been made this year. As for further economies, he was prepared to leave them to the Army itself.



Benthall's suggestion for a bold programme of capital expenditure, Sir George Schuster explained the practical difficulties in the way and said that there were no cut and dry schemes which would prove to be remunerative in the long run. Perhaps, a scheme of further electrification of railways in Bombay for which a traffic survey was being carried out, offered the only one suitable at the moment. As for the development of roads, a Conference was being arranged in the summer in Simla.

*Mr. Ranganayakul* condemned the Government's silence while gold was being exported to the last grain.

*Mr. Vellingiri Gounder*, welcoming the five lakhs grant to the Imperial Agricultural Council for research purposes, hoped for a more liberal contribution. He expected that the Sugar Committee would devise some method whereby Sugar might be cheaply manufactured in every village home.

*Mr. Mathuraprasad Mehrotra* characterised the Army Budget as a white elephant and suggested the withdrawal of the Lee concessions.

*Mr. Hussain Imam*, adverting to the Finance Member's policy of "sound finance" said that sound finance did not lie in the fact that the Budget had been balanced equally. He welcomed the attitude of the Europeans against restoration of the cut in salaries and felt that it was a hopeful sign for their future co-operation and non-official Indians.

*Mr. Taylor*, Finance Secretary, winding up the debate reiterated his warning to the sugar industry. He maintained that Bombay and Bengal which were deficit provinces were responsible for revival of the stamp duty on cheques. The Army Budget was the minimum that was possible under the circumstances and with a war already brewing on the Eastern horizon it was not proper to expect the Government to effect a further retrenchment. The Council then adjourned till the 6th.

#### JOINT COMMITTEE FOR IMPORTANT BILLS

**6th. MARCH:**—The Council of State discussed non-official resolutions to-day.

*Mr. Syed Hussain Imam* moved a resolution requiring Government members in charge of important Bills to move for their reference to joint select committees of the two Chambers. He quoted the analogy of the British constitution in favour of the resolution, and hoped that the Government would accept the suggestion.

*Sir Fazl-i-Hussain*, on behalf of the Government, stated that he was unable to accept the resolution. The Council was purely a revising Chamber, and he would not be a party to any suggestion intended to deprive them of that privilege. The suggestion contained in the resolution had already been represented to the Government, but on experience the Government were unable to move actively in this direction.

*Mr. Hussain Imam*, replying, stated that he was dissatisfied with the reply of Sir Fazl-i-Hussain. He said that the attitude of the Government in this matter could only be interpreted as meaning that the Government were trying to use the official-ridden council against the militant attitude of the Assembly.

When the House divided, the resolution was rejected by 20 against 17 votes. European and many nominated non-officials also supported the resolution.

#### ADMISSION TO DEHRADUN MILITARY ACADEMY

The next resolution was moved by *Mr. Jagannath Maharaj Pandit*, urging that steps be taken to secure an increase of the present number of cadets annually admitted to the new Indian Military Academy, Dehra Dun, by at least fifty per cent and distribute the same equitably among the different university training corps units throughout India and the Prince of Wales Royal Military College, Dehra Dun.

*Mr. J. C. Banerji*, supporting the resolution, said that it was just and fair.

*Mr. Ghosh Maulik*, while congratulating the Commander-in-Chief on his sympathetic attitude towards the movement for Indianisation, said that recruitment from the University training corps units would be more useful than the recruitment of ordinary soldiers, because of their high social status and education.

*Lala Ramsarandas* characterised the resolution as modest. Its acceptance, he said, would give great impetus to Indianisation.

*Sir Akbar Khan* while appreciating the principle contained in the resolution, thought that Indianisation was the established policy of the Government, and that policy should be left entirely in the hands of the Military authorities.

*Mr. Mathuraprasad Mehrotra* commended the resolution for the acceptance on the principle that more Indianisation would lead to more reduction in the Army budget.

*Mr. Hussain Imam* called for an assurance from the *Commander-in-Chief* who, replying, emphasised that the Government's declared policy was speedier Indianisation, and said that the annual intake was mainly governed by the requirements. The present figure of sixty cadets yearly was fixed after careful consideration. He assured the House that there was no favouritism shown in the matter of selection of cadets either to Sandhurst or to the Academy.

*Mr. Jagannath Pandit* was satisfied with the *Commander-in-Chief's* assurance and asked the leave of the Council to withdraw the resolution, but the non-official section pressed for a division.

When the Council divided on the main motion, it was rejected by 32 against 8 votes. The mover for the resolution himself remained neutral. The Council then adjourned till the 8th. March.

#### SUGGESTION FOR TIMBER TELEGRAPH POSTS

**8th. MARCH:—**The Council also discussed non-official resolution to-day, the most important of which related to the Council's representation on the Joint Select Committee.

*Lala Ramsarandas* moved a resolution recommending that additions to or replacements of, telegraph poles, carrying wires should be of timber, purchased in India or Burma, where those would be in every way economical. He said that a metal post cost about twenty rupees, whereas a timber post cost only two rupees. The only objection to using timber poles was the quick wearing away of that portion of the wood which would be under the ground. By application of chemicals, this difficulty could be easily overcome. He suggested that metal-sockets could be provided for that portion of the wood which would be under the ground. Even accepting the normal life of metal posts to be fifty-five years against fifteen years of wooden posts, the latter was much cheaper and should be used wherever possible. The replacement of metal posts by wooden posts would give employment to thousands of people in India.

*Mr. Mehta*, while sympathising with the mover, pointed out the many practical disabilities in the way of carrying out the suggestion. In the first place, the normal length required for telegraph posts was thirty to forty feet, and wooden posts, apart from their durability, were decidedly not sufficiently strong to stand the strain of wires. Timber posts were used in European countries like Germany and England because there was less danger from insects and ants there than a tropical country like India.

*Mr. J. C. Banerjee*, while admitting that timber posts were cheaper, feared that it would be false economy in the case of Bengal where the country-side remained inundated owing to heavy rains during major portion of the year.

*Mr. G. A. Natesan* observed that from experience it had been found that timber had been not so very useful for buildings and other purposes, as metal.

*Sir A. C. Benthall* had every sympathy with the resolution. *Mr. Shillidy*, Secretary, Industries Department, accepted the resolution, but did not agree with the arguments of the mover. He quoted figures to show that timber posts were much costlier than tubular posts. If support to an Indian industry was the ground for the resolution, he failed to see how Tatas, from whom the metal posts were purchased, were not a native concern.

*Lala Ramsarandas* was glad that the resolution was accepted by the Government. He stressed that he only wanted acceptance of the principle of adopting more economical methods wherever possible.

The resolution was adopted.

#### DELEGATION TO JOINT COMMITTEE

*Mr. Jagdish Pershad* moved that steps be taken to secure adequate representation of the House on the delegation which would be sent out from India to sit with the Joint Select Committee of Parliament. Messrs. Boota Singh, J. C. Banerjee, Mathrapershad Merhotra, Hussain Imam, Naidu and Sir M. D. Devadoss supported the resolution, urging that it was the duty of the Government to maintain the prestige and dignity of the Council. The members of the Council, having the biggest stake in the country, were the very people who should be associated with the framing of the constitution for India.

*Sir Fazli-Hussain* asserted that statesmanship did not warrant the making of such statements, which might not find favour with many others. It was not only people with a stake who lived in India. There were millions who might take offence at



such statements. Regarding the demand that the representatives should be persons with Nationalist views, Sir Fazli-Hussain said that it was very difficult to satisfy all schools of thought in regard to the definition of a "Nationalist". It was one thing to ask for representation, and it was another to urge the selection of such persons as would be accepted by all parties. Such universal approval was not found even in the selection of the President of the Indian National Congress. The Leader of the House next pointed out that the selection of delegates was not primarily the concern of the Governor-General-in-Council. He thereafter referred the House to the statements made by Lord Willingdon in inaugurating the Assembly and by Sir Samuel Hoare in the House of Commons on the 22nd February, that the Central Legislature would be represented. Sir Fazli-Hussain said that he could not add to those two statements, and hoped that when the selection of the delegation was made, the Government would not ignore the Council and the choice would fall on one of them.

The resolution was withdrawn, and the Council adjourned till the 13th. instant.

#### FUTURE ENTRANTS TO SUPERIOR SERVICES

**13th. MARCH:**—*Lala Ramsarandas* moved for the appointment of a committee with a non-official majority, consisting of the members of the Central Legislature, to consider and recommend to the Government the scales of pay and allowances of future entrants to the superior services, and that the report of the special officer deputed for this purpose be also laid before the committee for its consideration. *Lala Ramsarandas* said that, apart from the fact that the Indian superior services were the highest paid in the world, the current Budget could be balanced only through large exports of gold, a factor which it was very unlikely would happen during the current year. Under those circumstances, the Government should curtail expenditure, one method of which was to fix salaries at a lower scale for future entrants. It was reported that Mr. Sloan, Special Officer appointed for the purpose, had nearly completed his work, and that a great deal of agreement on the subject had been reached. The speaker urged that the Government should not reach final conclusions without consulting non-official opinion.

Mr. J. C. *Banerjee* observed that if a committee of the House was appointed, their recommendations would enable the Government to find out means to effect appreciable economy in expenditure on the superior services.

Mr. *Bijoyakumar Basu*, speaking as a member of the main Retrenchment Committee, referred to the understanding that Mr. Sloan should submit the report to Government first whereafter their conclusion would come before the House for consideration.

Mr. *Miller* wished that the Government would rather make a definite statement than merely state that the matter was under active consideration.

*Sir Phiroze Sethna* emphasised that there must be no differentiation in the pay of Indian and European officers of the same status. He was prepared to give still larger sums as overseas pay to Europeans, provided the Lee concessions were abolished. He hoped that the Government recommendations would be such as would enable the Government servants to live above corruption. Supporting the resolution he expected that the Government would welcome a committee of the House whose suggestions would be most helpful in their efforts.

Mr. *Hussain Imam* complained that the Retrenchment Committee's report regarding the P. W. D. was suppressed by the Government. The resolution was a reasonable one, and if the Government contemplated real transfer of responsibility they should be more generous in accepting it.

Mr. *Taylor*, Finance Secretary, while sympathising with the object underlying the resolution, expressed his inability to accept it, as there were difficulties regarding the procedure. The revision of pay made after the Great War had been found to be too much generous, and hence enquiries had been held. Any revision of pay that was under consideration was solely confined to new entrants, and one principle on which the Special Officer conducted his enquiry was, as far as possible, to avoid anomalies between one department and another. There would be no report by the Special Officer. He would submit a memoranda to the various departments whose suggestions would then be collected and finally the general frame-work of the suggestions would be submitted to the Governor-General-in-Council for decision. He was prepared to receive the advice of the House on general lines, but doubted that they would be able to decide the intricate details of this important question of pay of Government servants. He hoped that the resolution would be withdrawn,

*Lala Ramsarandas*, replying, explained that his resolution raised only the question of the Superior Services and not the lower ranks.

The House divided, and the resolution was defeated by 27 against 15 votes. The Council then adjourned till the 15th. March.

#### INCOME-TAX ON STERLING LOANS

**15th. MARCH :—**The Council further considered non-official resolutions to-day.

*Mr. Hussain Imam* moved the first resolution demanding the withdrawal of the notification exempting salaries drawn in British possessions outside India from the Indian income-tax and to move the British Government for the necessary sanction and power to impose Indian income-tax on Indian sterling loans. He explained the existing anomaly. While savings accruing from service in India were subjected to the British income-tax, the same were exempted in India. In this respect the Government had no case as a precedent, and English Constitution was against the present policy. As for Sterling loans, the speaker drew attention to the reply given in the Assembly by Sir Alan Parsons, in which he had admitted that subscriptions to sterling loans paid in India were profits earned in India itself. The policy pursued by the Government of India in this matter was therefore decidedly not in India's interest. Proceeding, the speaker complained that sufficient data were not available regarding the collection of income-tax from firms. He particularly wanted to know whether public utility companies having head-offices in England were paying income-tax in India or not.

*Mr. Kalikar* then moved an amendment to the effect that besides salaries, leave salaries, allowances and pensions should also be subjected to the levy of Indian income-tax.

In the discussion that followed, the first part of the resolution found some support, but not the second part, which was discountenanced.

*Sir. Phiroze Sethna* supported the first part, which, if adopted, would yield half a crore per annum, not a small sum in these days of financial stringency. He objected to the second part regarding tax on Indian sterling loans, as it was likely to compel the investor in other securities in England.

*Mr. E. Miller*, referring to the first part, thought it would impose hardship on a particular section of the community, and was a singularly unfortunate suggestion in these days when all were working for mutual goodwill.

*Mr. Taylor*, Finance Secretary, alluding to the suggestions of a tax on sterling loans, feared that no investor would part with even a shilling in London and the proposal would make international credit impossible. Not a single country attempted to impose such income-tax restrictions. Regarding exemption of tax on salaries etc., the Finance Secretary said that India required capital from abroad and the services of Englishmen not only as Government servants, but also in commerce.

*Mr. Mathura Prasad Mehrotra* did not agree with the Finance Secretary, as officers were paid high wages besides overseas allowances and other Lee concessions.

The amendment of *Mr. Kalikar* was rejected, as also the second part of the resolution relating to sterling loans.

As for the first part for removal of the exemption of payment of income-tax on salaries etc., the non-officials pressed it to a division. Sixteen voted for it and 26 against it. Three members, namely, Raja Charanjit Singh, the Maharaja of Darbhanga and *Mr. Jagannath Pandit* remained neutral. A number of Independents voted against.

#### GRATUITIES FOR OFFICIALS' FAMILIES

*Mr. G. S. Khaparde* moved that, so long as the system of provident fund was not introduced in the case of non-gazetted Government employees, the Civil Service regulations should be so amended as to permit, in the case of the demise of such non-gazetted employees while in service, a grant to their families by way of a gratuity of a lump sum on the basis of one month's pay for every completed year of service put in by the deceased employee. After tracing the history of the question, *Mr. Khaparde* admitted that at present there was an all-round distress. But when compared to the distress of the poor people, the Government were situated in a more advantageous position, as they had vast resources at their command. The claim, he made, was nothing extraordinary. The expenditure involved was very small, and the Government would do well to accept the proposition in the name of goodwill and charity to the children of their own employees.

*Dewan Bahadur G. Narayanaswami Chetti* and *Sir Phiroze Sethna* supported



the resolution, urging that acceptance of the resolution would earn of the Government the gratitude of every section of the House as well as the public.

*Mr. Taylor*, Finance Secretary, sympathising with the resolution, explained that for nearly ten years the question was persistently brought before the House. He would point out that his predecessor worked out a scheme on the lines of British Superannuation Act of 1909, whereby the employees were asked to part with certain rights in exchange. But they flatly refused, and wanted something additional and not in substitution. The postal insurance scheme, which was open to all Government servants, was conceived on generous terms. At a time when the scales of pay were admittedly high, it was impossible to accept the resolution. According to their calculations, it appeared that the cost involved in the adoption of Mr. Khaparde's scheme would be Rs. 16 lakhs to the Central Government and Rs. 50 lakhs to the Provincial Governments. At the same time, Mr. Khaparde need not be disappointed, for his frequent attempts to raise the question had the effect of the Government arriving at a more accurate estimation of Mr. Khaparde's former scheme. The Government hoped to arrive at a conclusion after consultation with the Local Governments and representatives of Government servants.

*Mr. G. A. Natesan* expressed disappointment at the Government's reply, which held out no hope for the hard-pressed classes of Government servants. Several Corporations and private bodies had adopted a scheme more or less on the lines embodied in the resolution, and it ought not to be impossible for Government even now to afford relief.

*Sir E. C. Benthall*, while sympathising with Mr. Khaparde, advised him to bring the resolution later, as at present it was really difficult to find Rs. 16 lakhs at the Centre and Rs. 50 lakhs in the Provinces.

Mr. Khaparde withdrew the resolution.

#### CONVEYANCE OF MAILS ON COSTS

*Mr. Jagadish Prasad* moved that, as a step toward the development of the Indian Mercantile Marine, the Government should give preference to Indian steamship companies at the time of making future agreements for the conveyance of mails on the coast. He traced the Government policy as being one of opposition to the growth of Indian industries and thereby encouragement to foreign companies, which indulged in rate wars and other means to struggle Indian companies. Though frequently the matter was raised in the Council the answers invariably had been that the matter was still under consideration. The warning was uttered by Mr. Walchand Hirachand recently, when he stated that Indian shipping companies would be wiped out of existence if effective Government action was not taken. An example of help to indigenous industries lay in the progress made by Japan, which reserved the coastal trade to Japanese ship.

*Mr. J. C. Banerjee* considered the resolution timely and appropriate.

*Mr. Miller* described it as premature. The whole question of the Constitution was in the melting pot. Any attempt at discrimination against established industries would be unfortunatate. The Government should give orders to whatever service was efficient, regular and prompt.

*Mr. Shillidy*, Industries Secretary, opposed the resolution, because it raised in a not very straightforward manner the question of subsidy for Indian companies. The Postal and Telegraph Department could not be expected to give contracts except at cheap rates. The grant of any subsidy would mean more expenditure.

*Lala Ramsarandas* asked if there was any Indian company which was in a position to carry mails.

*Mr. Shillidy* preferred to answer the question after inviting tenders.

*Mr. Jagadish Prasad* withdrew the resolution.

#### ABOLITION OF DIVISIONAL COMMISSIONERS

*Mr. Mathura Prasad Mehrotra* moved for the abolition or at least the reduction by half of the posts of Divisional Commissioners, with option to the Provincial Legislatures finally to decide the question. He narrated at length the history of the whole question, and asserted that these posts were top-heavy, with large salaries for very little work.

*Mr. G. A. Natesan* deprecated the resolution as untimely, as there were only three days left for the publication of the White Paper, after which the question would be more appropriately considered.

*Messrs. Kalikkar* and *J. C. Banerjee* supported the motion, as the abolition of the posts of Commissioners would result in considerable savings in the already deficit provinces like Bengal and Bombay.

*Dewan Bahadur Narayanaswami Chetty* and *Nawab Hayat Khan Noon* strongly opposed the motion, the latter emphasising that people would be deprived of the right of appeal in revenue matters.

*Sir E. C. Benthall* explained that this question had already been considered by the Retrenchment Committee in Bombay and Bengal. There was no sufficient ground for the accusation that the Commissioners had very little work. He considered that it was not a suitable subject for an all-India debate, as it was purely a provincial matter.

*Mr. Hallett*, Home Secretary, as one who served as a Divisional Commissioner, refused to admit that Commissioners were figure-heads or worked as a post office. They had odd functions to perform in connection with the revenue matter, and they were found to be necessary for the well-being and prosperity of the tenantry of India. It was possible that one or two posts were superfluous, but that was for the Provincial Governments to recommend. He pointed out that recently two such posts were abolished, with the approval of the Secretary of State and Viceroy. As to the arguments that this question would be considered as soon as the new Constitution was set up, he would advise them that it was better to keep the present machinery going for some time. Total abolition of the posts was not possible at present, but as for reduction by half, it was a matter which could hardly be decided here.

*Mr. Hussain Imam*, intervening in the debate, asserted that the resolution was brought forward before the Council, as the Provincial Councils shirked their responsibility, on the plea that the Government of India was standing in the way of this reform. If Madras, which was the largest Province, could carry on without Commissioners, why was it not possible for the other provinces to do so?

*Dr. Choksy* thought no useful purpose would be served now by accepting the resolution. The resolution was rejected.

#### SURCHARGE ON COAL

The last resolution, which was moved by *Mr. Ramsarandas*, urged the withdrawal of the surcharge, levied on railway freight on coal, or failing that a substantial reduction of the surcharge on the carriage of coal for a distance of a thousand miles and over. He calculated that the loss to the Government would be a little over Rs. 12 lakhs, which was justified as it would give encouragement to Indian industries, which were passing through depression. He objected to the same surcharge on long distance freight.

*Sir Phiroze Sethna* moved the deletion of the latter part of the resolution, on the ground that it showed discrimination in favour of Bengal to the disadvantage of other provinces. Many Ahmedabad mills were dependent on Central Provinces coal. The benefit of the removal of surcharge over a distance of thousand miles would help Bengal and not the Ahmedabad mills.

*Sir Edward Benthall* welcomed *Sir Phiroze Sethna's* amended proposition, and asked for the surcharge to be removed from the point of view of both the consumers and the producers.

*Sir Guthrie Russel*, Chief Commissioner, opposed the resolution, but promised to examine the whole question and take any action found necessary. He would have accepted the resolution if there was any chance of an increase in revenue, but the facts were to the contrary.

The mover withdrew the resolution. The Council then adjourned till the 20th.

#### LEGAL PRACTITIONERS ACT AMEND. BILL

**20th. MARCH :—***Mr. Kalikar* introduced a Bill to amend the Legal Practitioners' Act, 1879, providing for an explanation at the end of section 13 to the effect, that the words "reasonable cause" in Clause (F) refer to and must be intended always to have referred to only acts done in professional capacity. The Bill was necessitated, said *Mr. Kalikar*, by the tendency of High Courts to assume jurisdiction over the public and private activities of a practitioner not connected in a professional capacity. The Bill restricted the scope of clause (13) (F) definitely to "professional misconduct" and further it was intended to give retrospective effect with



a view to removing the hardship done to practitioners by a wrong interpretation of the clause.

Mr. *Bhuta Singh* moved a resolution asking the Government to introduce legislation to amend the Imperial Bank Act, so as to empower the bank to lend on mortgages of agricultural estates.

*Dewan Bahadur G. Narayanaswami Chetti*, opposing the motion, thought that the best solution of the problem was to have recourse to land mortgage banks.

*The Maharaja of Darbhanga*, supporting the motion, referred to the plight of Agriculture owing to the unprecedented depression.

*Messrs Jagdish Prasad, Syed Padsha, Kalikkar and Khaparade* all supported the motion, and pointed out that land mortgage banks were not existing in many Provinces. Further, their activities were very much restricted, as in the case of co-operative banks.

*Sir Edward Benthall* opined that the resolution was unwise on the eve of the establishment of a Reserve Bank. He would suggest to the mover to bring forward a proposal to extend the operation of mortgage banks to all provinces.

Mr. *Taylor*, Finance Secretary, replying, stated that the Government were alive to the fact that, if Agriculture did not prosper, the rest of India also could not prosper. But the proper time for the discussion of the subject was when the Reserve Bank Bill was taken up. Meanwhile, the first stage of examination of the question must be in the provinces, and the Government of India were now engaged in consultation with the Provincial Governments. It might be possible for the Imperial Bank or the Reserve Bank later to make advances to agriculturists but on more liquid securities than the frozen assets of mortgages of agricultural estates. Mr. *Taylor* emphasised the necessity for a Reserve Bank in order to co-ordinate the credit structure of India, and said that until the bank was established, the difficulties at present felt might continue, but the Government had every sympathy with agriculture.

*Lala Ramsarandas* and Mr. *Hussain Imam* were dissatisfied with the speech of the Finance Secretary, and supported the resolution, which was negatived by 21 against 24 votes.

#### OTTAWA AGREEMENT ENQUIRY COMMITTEE

*Lala Ramsarandas* next moved a resolution urging the appointment of a committee, with a majority of non-officials, to enquire into the actual working of and the results so far achieved from the Ottawa Agreement, and to consider and recommend to the Government, measures calculated to increase the export trade of India.

Mr. *Drake*, Commerce Secretary, accepting the principle of the resolution, moved an amendment, to the effect, that a committee of the Council of State, with a non-official majority, be appointed to enquire into and report on the actual working of and the results achieved from the Ottawa Agreement, and on the results of the measures to be taken to increase the export trade of this country. Mr. *Drake* considered this amendment necessary, as the Government had already accepted the appointment of a committee of the Assembly to examine the working of the agreement. The Commerce Secretary made it clear that, unless the Legislature was satisfied that the Agreement was working in the best interests of India, it would not be continued.

*Lala Ramsarandas* accepted the amendment and the resolution as amended was carried.

#### REDUCTION OF STERLING COMMITMENTS

Mr. *Hossain Imam* moved the third resolution recommending the reduction of Sterling commitments and the replacing of them by rupee commitments. Mr. *Hossain Imam* himself added the words "as far as possible" at the end of the resolution.

Mr. *Taylor* had no difficulty in accepting the amendment resolution, as that in accordance with the policy of the Government for several years. At the same time, he said there was a fallacy underlying Mr. *Hussain Imam's* arguments, that by a exchange India would be able to meet her obligations in foreign countries easier.

The resolution was adopted.

#### INCREASE OF LANDHOLDERS' SEATS

Mr. *Mathurprasad Mehrotra* moved the last resolution that suitable steps be taken at an early date, for increasing the seats of landholders in the reformed Central and Provincial legislatures proportionately with the increase of the total number of seats in those legislatures.



*Sir Fazli-Hussain* promised to convey the mover's views on the resolution to His Majesty's Government, in so far as it related to the Provincial Legislatures. As for the Central Legislature, he expressed the opinion that the discussion of the White Paper might be a more appropriate time for expressing opinion.

Mr. *Merhotra* agreed and withdrew the resolution.

The Council then adjourned till the 22nd.

#### AMENDMENT TO STANDING ORDERS

**22nd. MARCH :—**Mr. *Hussain Imam*, moving an amendment to the Standing Orders of the Council to reduce the number of members required to give assent to adjournment motions from fifteen to eleven, said that the reduction would enable the Council to discuss important matters and consequently put more life into the proceedings of the Council. At present, it was almost impossible to get fifteen members to support adjournment motions.

*Sir Fazl-i-Hussain*, opposing the motion, wondered whether the numbers eleven represented the composition of a cricket team or a football eleven (Laughter). It would serve no useful purpose on the eve of Responsible Government with four times the size of the present Council to have such an amendment ahead of them. He, as a member of what was called an irresponsible Government, could not tie the hands of the future responsible Government.

Mr. *Syed Padsha*, opposing the motion, agreed with the explanation of the Leader of the House.

Mr. *Mehrotra*, who supported the motion, explained that the number eleven represented one-third of the elected members, and hoped that *Sir Fazl-i-Hussain*, who introduced sports in the discussion would accept the motion in a sporting spirit.

Mr. *G. A. Natesan* requested the mover not to press the question to a division :

The motion was rejected without a division.

Mr. *Mathura Prasad Mehrotra* then moved two amendments to the Standing Orders. The first was, to the effect, that printed answers to questions should be placed on the table half an hour before the commencement of the business every day. He pointed out that by this amendment, they would be only adopting the procedure followed in the Provincial Legislatures.

Mr. *Bijayakumar Basu* considered it below the dignity of the Council to follow the practice of the Provincial Legislatures.

Mr. *Hussain Imam* said that the Council would be arrogating false pride to themselves if they refused to adopt the procedure of the local Councils if it was found to be really good in practice.

*Sir Fazl-i-Hussain*, as a former member of a Provincial Council, explained that, as many members of the Provincial Councils did not know the language in which the answers were given, they were supplied Government statements previously.

Mr. *Hussain Imam* : Here also many members do not follow English (Laughter).

The Leader of the House, proceeding, refuted the insinuation that the members of the Council were unable to follow the answers. As long as he was the Leader of the House, he could not be a party to accepting such a suggestion, which was certainly a questionable precedent opposed to established Parliamentary practice.

The House divided and the motion was rejected by 33 against 12 votes.

#### COTTON TEXTILE INDUSTRY PROTECTION BILL

**24th. MARCH :—**The Council held a brief sitting in order to dispose of the Cotton Textile Industry Protection Bill and the Wheat Import Duty Bill.

Mr. *T. A. Stewart*, Commerce Secretary, moved that the Textile Industry Protection Bill be passed.

*Messrs. J. C. Bannerjee, Miller, Ramsarandas* and *Sir N. Choksy* welcomed the measure in the interest of the indigenous industry. The Bill was passed.

#### THE WHEAT BILL

The Commerce Secretary then moved that the Wheat Import Duty Act be taken into consideration. He said that had it not been for this Act, foreign wheat would have been dumped into India, resulting in active competition with indigenous wheat in many centres.

*Sir Akbar Khan* hoped for the extension of the period for a longer term, till wheat was quoted at Rs. 4 per maund.

Mr. *Hussain Imam* complained that the rest of India would not be thankful to

the Government of India which, being situated in a wheat growing centre, neglected other commodities like jute and rice. However, he did not oppose the measure.

Mr. *Mathura Prasad Merhotra* wanted that the Bill should be extended for a period of three years. Mr. *Mehta* pleaded for the modernisation and mechanisation of agricultural implements.

*Raja Charanjit Singh* and Mr. *J. C. Banerji* extended their support to the measure.

Mr. *Khaparde*, defending the old type of agricultural implements, said that the mechanised implements drew too much from the soil, which was difficult to supplement. Sir E. C. Benthall and Mr. Ghose Maulik stressed the claims of the eastern provinces.

Sir E. C. Benthall pointed out that the duty on Australian wheat might interfere with the negotiations that were proceeding with that country in respect of jute.

Mr. *Stewart*, quoting figures, showed that the price of wheat since 1923 had been favourable to the consumer. The Executive were retaining power to reduce and remove the duty and that was enough to check and prevent the duty from becoming excessive and unnecessary. In regard to the demand for reduction of railway freights, the experiment made last year had resulted in a loss of sixteen lakhs on wheat alone.

The Council passed the Bill and adjourned till the 27th.

#### Debate on the White Paper

**27th. MARCH:**—The White Paper came in for a lot of criticism in the Council of State to-day. The points specially noted were (1) the powers in the hands of the State Secretary, (2) the army, finance and the services which were beyond popular control and the erection of a second chamber in a poor province like Bengal. The landed interests deplored that property qualification was not introduced for election to the second chamber and fear was also expressed that the Princes' presence in the Federation might serve as a brake on India's progress.

Sir *Fazli Hussain*, Leader of the House, moved that the White Paper, containing proposals for Indian constitutional reform, be taken into consideration. Sir *Fazli* stated that for nine days the Paper had been before the public. Now was the time for the Council to express opinion. The occasion was an important event in the effort for constitution-making for India. Hence the discussion would be calm, in concise language and not merely political.

Sir *Maneckjee Dadabhoy*, President, hoped that the debate would be conducted in a sober and moderate manner, characteristic of this house.

*Rai Bahadur Mathura Prasad Merhotra* had an amendment to the Government resolution, describing the White Paper proposals as retrograde, conferring no substantial powers to the people and a full limitation of safeguards not in the interests of India and hence likely to aggravate feelings of discontent in the country. He did not move this amendment in view of the Government decision not to participate in the debate. He described it as the proverbial mouse after the mountain had been in labour. It did not contain any scheme of Self-Government. Firstly, the Secretary of State's powers remained over a large sphere of administration. His Council, instead of being abolished, was only slightly reduced in number, but the powers of the Secretary of State continued practically undiminished. In the Provinces there was to be no autonomy but only the Governor's autocracy by reason of special powers, and ministers, who would be responsible to the legislature, would have no control over the "Steel Frame". Recruitment to All-India services would continue to remain in the hands of the Secretary of State and a commission would be appointed only in 1940 to consider its future position. In the Central Government there would be no responsibility because firstly, the federation must come into being, then the reserve bank and other conditions should be fulfilled. Here, as in the provinces, powers with the head of the administration to issue ordinances remained and there would be thus unrelieved autocracy.

*Rai Bahadur Jagadish Prasad* criticised adequate representation of land-holders. He referred to the election of the Council of State in the Federal Legislature and suggested a compromise between the direct and indirect systems. He thought that while elections should be made by the Provincial Councils to the Council of State, persons selected should possess high property qualifications or pay a higher income tax than those sent to the local Councils. He supported the inclusion of fundamental rights and as for safeguards, wanted them not in the common

interests of both England and India, but demonstrably in the interests of India as promised in the Irwin-Gandhi Pact. Regarding the Federation he objected to no time being fixed and the Federation itself being made conditional on so many factors. Incidentally, he expressed the conviction of a considerable section of people that the presence of the princes might be used to serve as a brake on the progress of British India and he demanded that it should be made clear that the Princes' bloc should not be used for voting on non-Federal matters. Alluding to the army, he wanted to know if the Army Minister would be an Indian at all quite apart from the fact that army expenditure would be non-violable.

Mr. *Mahmud Suhrawardy* characterised the proposals as regards elections as a dangerous innovation. He demanded one-third Muslim seats in the Federal Assembly, and in the Public Services one-third of the Indian quota to be reserved for them. He thought that, in view of the great economic distress, with no immediate prospect of recovery, Bengal could not afford the luxury of a Second Chamber.

Mr. *Miller* said that the White Paper was merely the official view as to the form which the future constitution of India should take resulting from the three Round Table Conferences. While all might have their grievances and disappointments, he thought it was not the proper time or place to discuss them. Description of the White Paper as a black paper was merely a journalistic catch phrase. In fact it was still capable of being amended according to the spirit in which it was accepted and, therefore, its value might be assessed at almost unlimited amount. Only goodwill and mutual trust could achieve that object. The safeguards given to the Governor-General and the Governor were mostly for use in case of an emergency and were imposed just as much for the safety of the Indian as for the British. They should be welcomed as a guarantee of good government and as being necessary for the welfare of Indians and British alike. He appealed to all those who really had the future good of the country at heart to take what was offered in good spirit and settle down the working of the new constitution successfully. That was the only way to reach the final goal, namely, full self-government.

The Honourable Mr. *Kalika* objected to the control over service being retained by the Secretary of State when the Services Sub-committee recommended it to be transferred to Indians. In the Montagu-Chelmsford Reforms, Ministers in the province had some powers over certain aspects of the administration but now they would be nowhere. He wanted the army budget to be made votable but subject to the veto by the Governor-General.

Mr. *Nripendra Narayan Singha* said the White Paper was nothing but a cruel mockery of India's long cherished desires, for there was no mention either of period up till which the proposed constitution would last or of the form of the constitution that would follow upon its heels. Not a vestige of power has been transferred in all matters where self-Government really counted. Financial control by popular Ministers in the Federal Assembly was bound to be quite illusory, so long as eighty per cent of India's revenues were swallowed by the reserved side of the administration.

**28th. MARCH :—**Mr. *Jagdish Chandra Banerjee*, resuming the debate, said : "The White paper has belied our hopes and blackened our outlook for Swaraj and, having cried for bread, we got stones." The powers of the Governor-General and the provincial satraps, be maintained, in respect of the promulgation of Ordinances favourably compared with the Tsarist ukases. There might be people to work the reforms for all their worth, but the majority of Indians would not touch them even with a pair of tongs.

Speaking on the representation in the Federal Assembly, Mr. Banerjee deplored that Bengal's quota from the general constituency was only ten, plus three members of the depressed classes, as against seventeen Muslims. He also complained that Bengal landholders' claim in the Central Assembly had been inadequately met.

Mr. *G. S. Khaparde* said that the White Paper was acceptable to no body, but it was not wise to throw it out after spending time and money on three conferences and several committees. He was perfectly aware of the defects in it, but in the present circumstance they had to accept gracefully what was given and fight for more. He advocated the late Mr. Tilak's principle of responsive co-operation, and not the fantastic ideas of Civil Disobedience or passive resistance, both of which weapons had failed to help them so far. What they should do was to conquer by compliance.

The *Nawab of Dacca* expressed disappointment that the White Paper did not give one-third number of seats to the Muslims in the Assembly and was opposed to an



Upper Chamber in the province. He preferred a straight measure of self-Government to the present scheme based on Federation which was not possible of achievement as British India could not federate with the States unless both were equal partners. He, however, thought that the safeguards in the proposed constitution were necessary because by their own differences and divisions they had strengthened Mr. Churchill's party.

Mr. G. A. Natesan gave expression to the Liberal Party's views and quoted largely from the speeches of Sir Tej Bahadur Sapru and Mr. Ramsay MacDonald for necessary changes to make the scheme acceptable to India. He wanted India to be no longer governed from Whitehall, but from Delhi, based on the trust and confidence of the people and faith in the ability of Indians to manage their own affairs. It was Britain's duty to avert India from becoming another Ireland.

Mr. Narayanswami thought that although the White Paper was not free from defects, it was their duty now to endeavour to improve it.

Sir Edward Benthall detected in the debate a desire to accept the scheme and make a few alterations thereto. He for one had more faith in the ability of Indians to manage their own affairs. He could not understand why, despite repeated assurances of the Secretary of State, there should be an impression that Indian Ministers would be under the control of the Services. When the present irresponsible opposition took possession of the Treasury Benches they would have at their command the efficiency and experience of the Servicemen. He urged Indians to see that as they rode on the triumphal way to self-government, they did not swop the horses. It was for the Ministers, five years after the new constitution came into operation, to see what sort of checks were required in respect of the services with a view ensuring greater control over them.

Regarding the Federation Sir Edward Benthall said that if India was going to have it and responsibility, the sooner it was put into force the better provided each step was wisely taken. It was up to India to see that the obstacles to the Federation are removed. Concluding, Sir Edward appealed to the House to give the Government of India a fair opportunity, and not reject the scheme because of minor defects.

Mr. Jagannath Maharaj Pundit said that the scheme fell short of India's expectations and that the safeguards disclosed a distrust of India's capacity to manage their own affairs. He complained of the inadequacy of the landholders' representation.

Mr. B. K. Basu advised the Council and the country to accept the White Paper scheme in a spirit of mutual goodwill and Trust. He thought that the safeguards would vanish with the exercise of mutual trust which was necessary for the working of any constitution.

Raja Churanjit Singh thought that the British Government had stuck to the letter and spirit of their promises at the Round Table Conference.

Sir David Devadoss wanted the safeguards not to be hide-bound, but elastic so that the machinery might be given a scope to run smoothly.

Major Akbar Khan addressed the Council with a written speech.

The President suggested that, in view of the fact that the whole debate would be communicated to His Majesty's Government, it might be taken as read and incorporated in the report of the day's proceedings.

Major Akbar Khan had no objection to this course but concluded with the observation that direct election to the Federal Council of State should be more representative of the people.

Mr. Mushir Hussain Kidwai said that the White Paper was based on the superiority complex of the British and the inferiority complex of Indians.

Sir Eazli-Hussain, summing up, said that 26 non-official members had spoken with earnestness and with calm. Their views would be forwarded to the Secretary of State. The President declared the debate closed and adjourned the House.

#### SALT DUTY BILL PASSED

**29th. MARCH :—**The Council held a brief sitting to-day. The Secretary laid on the table the Finance Bill as passed by the Assembly.

Mr. Taylor, Finance Secretary, then moved for the consideration of the Salt Additional Import Duty Act, as passed by the Assembly.

Mr. Ghosh Maulick voiced Bengal's opposition to the measure. He said that the Bill was promoted by the Indian Salt Association, who attempted to stabilise prices at an unfair level to the consumer. Protection for salt in India was not a sound proposition, from the point of view of the consumer.

Mr. P. C. Dutt from Assam supported Mr. Ghosh Maulick on the ground that what affected Bengal equally affected the Province.

*Dewan Bahadur G. Narayanswami Chetty* supported the Bill, on the principle that foreign salt should be taxed.

Mr. *Mathuraprasad Mehrotra* appealed to Bengal members to keep aside provincial bias, and support the Bill in the larger interests of the country. He thought that a reduction of railway freight would provide cheaper salt for Bengal.

Mr. *Taylor*, replying, pointed out that only one-eighth of the tax went to the central revenues, whereas the rest had been distributed to the provinces.

Mr. P. C. Dutt pressed for a division, and the House agreed to the motion for consideration by 24 to 7 votes. Later, the Bill was passed without any further division, and the House adjourned.

#### DEBATE ON THE FINANCE BILL

**31st. MARCH :—**The Council of State met to-day to consider the Finance Bill.

Mr. *Taylor*, Finance Secretary, moving for consideration of the Bill, said that the importance of a balanced budget and sound finance had been recognised by the investors throughout the country, with the result that after the introduction of the Finance Bill last month, the Government securities stood at a favourable rate. They had barely a surplus of forty-two lakhs, which was small enough at a time when Government revenues had to weather the vicissitude of the economic depression.

There were two amendments in the name of Mr. *Hossain Imam*, the first asking for postponement of the consideration of the Finance Bill for one day to consider the Commons debate on the White Paper and second, that the Finance Bill might be referred to a Select Committee to be elected by the single transferable vote.

As regards the first, the *President* referred to the rulings of his predecessors that to allow or refuse such dilatory amendments, was entirely within the discretion of the Chair. On the present occasion, the amendment was on all fours with the amendment sought to be moved on the 9th October 1931 to the motions for consideration of the Indian Press Emergency Powers Bill. Thus the amendment sought to nullify the discretion given for good reasons to the Chair. Therefore, the *President* ruled out the first amendment.

As regards the amendment that the Finance Bill might be referred to a Select Committee, the *President* observed that there was no provision in the Standing Orders for the election of a select committee through the single transferable vote. However, if the member still wished to move his amendment, he could move a simple motion for a select committee.

Thereupon, Mr. *Hossain Imam* moved for a select committee.

Mr. *Bartley*, Secretary to the Legislative Department, and Mr. P. C. Dutt opposed the motion, which was rejected without a division.

The *President* requested the members to be brief and to the point.

Mr. *Hossain Imam*, speaking on Mr. *Taylor*'s motion for consideration of the Bill, asked the Government to explain the position as regards War debts payments. Mr. *Hossain Imam* proceeded to refer to the proposed creation of a Reserve Bank, when Mr. *Taylor* asked if it was in order.

The *President* observed that reference to the Reserve Bank was quite appropriate.

Mr. *Hossain Imam* pleaded that the amount of gold in the Reserve should be increased, with a view to ensuring the earliest setting up of the Reserve Bank, and suggested the imposition of an export duty on gold, as suggested unanimously by Europeans and Indians.

*Rai Bahadur Mehrotra* criticised the White Paper proposals which, he stated, did not contain even a shadow of responsibility, not to speak of the substance. As for the credit of India, Mr. *Mehrotra* alluded to the success of the conversion loan at four per cent, and said that Government securities were going up, and the credit of the country was certainly high. He complained against Government having, without consulting the legislature, reduced the ten per cent. cut in the salaries of Government officials to five per cent, while retaining, despite the unanimous demand of commercial community, the 25 per cent surcharge on income-tax. Referring to the Army expenditure, the speaker calculated it at 33 per cent of the total of India's revenues (including the provinces) and maintained that this was unjust.

Mr. *Miller* (Bombay Chamber of Commerce), while congratulating the Finance Member on his balanced budget, criticised the duty on motor cars which were no longer a luxury, but a necessity. He reiterated the demand of the commercial community that there should be no further restoration of the salaries "cut", without

giving due consideration to the question of the removal of the surcharge on income-tax. He agreed that an export duty on gold was essential.

Mr. *Kalika* referred to the heavy burden of taxation, and said that when the purchasing power of the people was going down daily, the Government were not justified in retaining such a high level of taxation. Referring to the proposal to raise the duty on artificial silk, he wanted to know its effect on the indigenous silk industry.

*Lala Ramsarandas*, Leader of the Progressive Party, wanted to know when an anti-dumping measure against Japan would be introduced. He remarked that Emergency Finance Bill proposals had a tendency to remain permanent. The Government must declare their policy now, whether they meant to make the proposals permanent. *Lala Ramsarandas* referred also to the sugarcandy industry and wanted protection for it.

*Sir Edward Benthall* supported the proposals contained in the Finance Bill as passed by the Assembly, including lowering of the rate of income-tax on those receiving a salary between Rs. 1000 and Rs. 15000 per annum. But he thought that banks would not mind the imposition of a stamp duty on cheques.

Mr. *Mehrotra* asked *Sir Edward Benthall* to move an amendment and face the result.

*Sir Edward* observed that it was in the interests of business in India that the budget of the country should be balanced and money should be cheap. He requested Government to give a lead to the proposed economic survey, and hoped that the people would co-operate in it. Continuing, *Sir Edward* calculated the Military expenditure of India at 23 per cent of the total revenues, and not at 33 per cent as stated by Mr. *Mehrotra*. The figures were : total revenues of India including the provinces, 200 crores ; and Military expenditure 46 crores.

*Nawab Hayat Khan Noon* and *Dewan Bahadur Narayanaswami Chetti* supported the motion for consideration of the Bill.

*Sir Fazl-i-Hussain* was surprised that members were suggesting retrenchments in the Department of Education, Health and Lands, at a time when economy had been practised to the utmost extent. He had thought that the Finance Member was the only vulture and wolf, but now he found that the Opposition benches also contained wolves. Let it not be forgotten that he was in charge of activities like Education and Agriculture, which were considered essential.

Mr. *J. C. Bannerjee* took advantage of the occasion to discuss "Law and Order" in Bengal, when the President warned the speaker.

Mr. *Nripendra Narayan Singh* suggested an increase in the salt tax and a reduction in the income-tax.

*Sir N. Choksy* thought that the Finance Member would be in a far better position if the Commander-in-Chief reduced a part of the British garrison in India, and hoped that in next year, there would be a substantial change in the Finance Bill.

Mr. *Jagdish Prasad* compared the Finance Member to a wolf in sheep's clothing who devoured millions from high and low. He complained that retrenchment was not far enough.

Mr. *Taylor*, replying, strongly refuted Mr. *Hossain Imam's* charge that the Government might raid the Sinking Fund. The Finance Secretary said that the Government of India were not bankrupt, and they were not prepared to raid the Sinking Fund. If they got any alleviation from the War debts, they could only be too glad to have it, but they could not anticipate it at this stage. For their part, they could never contemplate a greater calamity than that would inevitably befall this country, if the budget was unbalanced. In the interests of the small agriculturists and businessmen, Mr. *Taylor* commended the Finance Bill for consideration. The House agreed to his motion.

Mr. *Mathura Prasad Mehrotra* moved an amendment for reducing the salt duty from Re. 1-4 to ten annas. Tracing the history of the salt duty, he said that in 1922-23, the Assembly abolished the duty altogether, only to be restored by the Governor-General at the rate of Re. 1-4. The agitation was still kept up and it came to a head in 1930 when Mr. *Gandhi* staged the famous Dandi March and over 60,000 people went to jail. This was an unpopular measure, he said, and quoted the opinion of the Secretary of State in favour of his motion.

Mr. *Taylor* asked the House to consider the cold fact as they stood to-day, when the Budget was just balanced. He asked how they could make up the loss of four crores, which the proposed amendment would entail.

The amendment was lost.



Mr. *Mehrotra* next moved an amendment to reduce the postal rates.

Mr. *Shillidy*, opposing, pointed out that the depression was responsible for the deficit, and not the increased rates. The amendment was rejected.

Moving another amendment for reducing the rate of postcards, Mr. *Mehrotra* said that the Postal Department should work for the utility of the public and not on a commercial basis. He emphasised that the deficit was due to the amalgamation of the Telegraph and Telephone sections with the Postal Department.

Mr. *Shillidy* held that the telephone side was not working at a loss, but only the other two sections, Postal and Telegraphs. He was not prepared to add to the deficit another Rs. 55 lakhs, which acceptance of the amendment would entail. The House divided and rejected the amendment.

*Lala Ramsarandas* pleaded for the abolition of the income-tax surcharge.

Mr. Taylor pointed out the cost involved was Rs. 280 lakhs, which it was impracticable to incur in the present state of the finances.

*Lala Ramsarandas* asked whether the amount could not be made up out of the provision for interest charges on Government securities.

Mr. Taylor replied : No ; impossible. The amendment was rejected.

Mr. *Jagadish Prasad*, moving an amendment to the income-tax proposals, suggested that the lower taxable limit should be Rs. 1,500, instead of Rs. 1,000.

Mr. Taylor opposed the amendment as it would involve a loss of Rs. 17 lakhs. The motion was lost.

Mr. *Mehrotra*, moving another amendment, under "Income-tax" for the deletion of the provision for summary assessment, stressed that in England bachelors paid a heavier income-tax than married couples who got considerable rebates according to the strength of the family. In India, there was no such provision.

Mr. Taylor opposed the amendment. The amendment was lost.

Mr. *Mehrotra* moved the last amendment, which attempted to do away with assessment with retrospective effect.

Mr. Taylor assured the House that it was merely a question of procedure and fresh liability would be imposed on the tax-payer.

*Lala Ramsarandas* thought that the clause placed discretion in the hands of income-tax officials, which was unfair and unjust to the tax-payer who had no right of appeal. The amendment was lost by 29 against 7 votes.

After a few remarks by Mr. *Hossain Imam* on the motion for the third reading, the Finance Bill was passed.

#### OTTAWA TARIFF BILL PASSED

**5th. APRIL :—**The Council of State met for a short time, when the Home Secretary laid on the table the Ottawa Supplementary Bill, as passed by the Legislative Assembly. Next day, the **7th. April**, Mr. *Stewart*, Commerce Secretary, moved that the Indian Tariff Ottawa Agreement Bill passed by the Legislative Assembly, be taken into consideration. The object of the measure, he stated, was to remove a few inaccuracies and discrepancies that had been brought to light by a further scrutiny of the schedule to that Act.

Mr. *Jagadish Prasad*, while welcoming the measure, reminded the Government of their assurance regarding the appointment of a Committee of the House to examine the working of the trade agreement.

*Sir Akbar Khan* was willing to purchase British articles, if they were cheaper than those from the Continent.

Mr. *Basu* feared that Indian tea would not be enabled to compete with Java if the preference on tea chests was taken away.

Mr. *Stewart* explained that ordinarily wooden portions of the tea chests were not entitled to preference, but the metal portions received preference as they came under the heading "hardware". In order to make the position clear, a new item had been inserted, so that tea chests and parts and fittings thereof would not be entitled to preference. The Bill was adopted without a dissent. The Council then adjourned.

#### OFFICIAL BILLS

**8th. APRIL :—**The Council of State met for three minutes, when the Secretary laid on the table two Bills passed by the Assembly, namely, the *Provincial Criminal Law Supplementing Bill* and the *Auxiliary Force Amendment Bill*.

**11th. APRIL :—**The *Haj Bill* was the only measure placed on the table to-day.

*Sir Fazl-i-Hussain* hoped that certain other Bills would be placed on the table the next day. In the circumstances, the President adjourned the meeting.

**12th. APRIL :—**The *Income-tax Bill*, the *Anti-Dumping Bill* and the *Indian Tariff Amendment Act* were laid on the table in the Council which then adjourned.

**15th. APRIL :—**Four Government Bills, as passed by the Legislative Assembly, were taken into consideration and passed by the Council to-day.

*Sir Fazl-i-Hussain*, moving that the Haj Bill be considered, explained the salient features, pointing out that the basic idea was to provide for the comfort and convenience of pilgrims without adding to their cost. He took no credit for this piece of legislation, but gave it to the Haj Enquiry Committee, on which this House was represented.

*Syed Mahamad Padshah* expressed gratefulness to Sir Fazl-i-Hussain, for having so promptly attended to the recommendations of the Committee. He pleaded that rules should be framed to better the sanitary conditions on board. Food should be unobjectionable from the point of view of the orthodox Muslims.

*Mr. Hassan Imam* observed that no doubt the measure would confer some benefits, but the hopes entertained had not sufficiently materialised.

*Chaudhury Muhammad Din* said that the fact that the measure was sponsored by a statesman like Sir Fazl-i-Hussain and by Muslim leaders like Sir Abdur Rahim, Maulvi Shafee Daudi and Syed Murtuza, was a guarantee that it was in the best interests of the Muslims. He wanted food to be cooked under the supervision of an orthodox Muslim. *Sir R. N. Choksy* related the experiences of Haj Pilgrims and emphasised the need for sanitary conditions. *Sir Fazl-i-Hussain* thanked the House for its constructive suggestions and assured it that full attention would be paid to them. He added that fares had been reduced but efforts would be made to secure a further reduction. The Haj Bill was then passed.

#### FOREIGN INVESTMENTS INCOME-TAX BILL

*Mr. Taylor*, Finance Secretary, moved that the Foreign Investments Income-Tax Bill be taken into consideration. He said that the Bill was intended to cover a loophole in the income-tax legislation.

*Messrs. Prasad, J. C. Banerjee* and *Sir M. D. Devadoss* supported the Bill. The last named asked why pensions paid from Indian revenue to people living in England were not taxed, and revenue amounting to Rs. 40 was being sacrificed.

*Mr. Hussain Imam* asked whether investments abroad were subject to foreign income-tax. *Mr. Taylor* answered that money invested in companies in Britain was subject to income-tax. But investments in funding loans and other securities escaped taxation now. The Bill was passed without any change, an amendment moved by *Mr. Mehrotra* being rejected.

#### ANTI-DUMPING MEASURES PASSED

*Mr. Stewart*, Commerce Secretary, moving that the Anti-Dumping Bill be taken into consideration, said that it was not the last word in the attempt to safeguard Indian industries against serious uneconomic competition from foreign countries. He hoped that the necessity for this emergency legislation would soon pass away; if not, experience would furnish the basis for a more elaborate and a more scientific structure in the place of the present one.

*Lala Ramsarandas* felt that the measure had been too long delayed. If action was held up for another six months, terrible damage would be done to the industries of India. He said that the immediate denunciation of the convention without waiting for six months was justified in the case of countries which imposed additional duties or granted bounties. He informed the House that Japan was already giving forward contracts. This menace could be stopped only by immediate action.

*Mr. J. C. Banerjee* held that the legislation was long overdue. *Mr. Banerjee*, however, wanted the Government to check profiteering by wholesale and retail dealers under cover of this Bill during the next few weeks.

*Messrs. Hussain Imam* and *Mehrotra* also extended support to the measure, the latter emphasising the need for protection not only from Japan, but from all countries which attempted to dump goods. He referred to the rumour that the Japanese were contemplating mills and factories in India in order to get over the difficulty caused to them by the Bill.

The Bill was passed without any change.

Finally, the Tariff Act Amendment Bill was passed without a discussion. The House then adjourned *sine die*.

# THE LEGISLATIVE ASSEMBLY

WINTER SESSION—NEW DELHI—1st. FEBRUARY to 12th. APRIL 1933

## Viceroy's Opening Speech

The winter session of the Legislative Assembly opened at New Delhi on the 1st. FEBRUARY 1933 with the inaugural address from His Excellency the Viceroy. Mr. Shanmukham Chetty, Deputy President, sat to the right of the presidential chair, from where the Viceroy delivered his address. The speech lasted forty minutes and was listened to by the crowded galleries and the House, consisting of over 90 members. The speech was greeted with all-round applause when His Excellency announced that it was hoped that some place would be found for men from the Indian Legislature on the Indian delegation which will sit with the Joint Parliamentary Committee. There was prolonged applause when the Viceroy concluded his address. The following is the full text of the address:—

Gentlemen,—In greeting the hon. members this morning at the commencement of this session of the Legislative Assembly I feel sure I am voicing their sentiments when I say how sorry I am that Sir Ibrahim Rahimtoolah, the hon. President has been prevented by illness from attending to-day's proceedings.

### SATISFACTORY CHANGE IN POLITICAL OUTLOOK

Before giving my usual survey of the various matters which should receive information I wish to express my thankfulness for the fact that during the past few months there has been a most satisfactory change in the political outlook throughout the whole of the country brought about, as I think, by a feeling of confidence in the belief that I and my Government are striving with absolute sincerity to advance as rapidly as possible constitutional reforms and at the same time to secure peaceful conditions which are so essential in starting our new form of administration whereby Indians will be given the control of their administrative affairs.

### EXPRESSING THANKS TO ALL

It is not my purpose to-day to say a word on what I believe to be the reasons for this change. My object is to express my thanks to all those who are mainly responsible for bringing it about. To the members of all the services throughout this country I tender my grateful thanks for the devoted and loyal manner in which they have carried out their duties during the past two years which has been a period of great stress and strain during which we have been faced with an economic depression which has been unparalleled in our history. My thanks are also sincerely due to hon. members of our two Legislative Chambers for the helpful guidance and criticism they have given us in the discussions and decisions we have arrived at in regard to such legislative measures as we have laid before them during the past months and, lastly, my thanks are very specially due to every class and interest in this country for the steadiness and fortitude with which they have all withstood the difficulties of the unprecedented economic depression which might well have caused considerable unrest among the vast population. We have to take care for the clouds of that depression are still over us, but I am full of hope that they will soon disappear and that if we continue to co-operate together each in our way towards better days India will be amongst the first of the countries of the world to take advantage of an economic revival.

### POLICY OF PEACEFUL PENETRATION

I do not propose to deal at any length with the foreign affairs since happily there is little information to give the hon. members of the past six months except that India's relations with her neighbours have continued to be of the most satisfactory and friendly character. You will be glad to learn that our policy of peaceful penetration among the tribes of North West Frontier is producing excellent results and I am informed that the administered districts of the North West Frontier Province are enjoying unprecedented freedom from trans-border raids. I may also take this opportunity of acknowledging the friendly co-operation which we have



received from the Afghan Government in dealing with the tribal problems on our common border.

#### LATE PRIME MINISTER OF NEPAL

With regard to our other frontiers, I must express my deep regret at the lamented death of His Highness the late Maharaja Sir Bhim Shumshere Jang Bahadur, Prime Minister and Commander-in-Chief of Nepal whom I had the honour of entertaining in Calcutta a little more than a year ago. This sad event has robbed Nepal of a distinguished statesman and India of a staunch friend, but we can find consolation in the fact that he has been succeeded by one whose qualities as statesman, soldier and friend give us all confidence that the association between our two countries will be as close and mutually helpful in the future as it has been in the past.

#### WORST PERIOD OF DEPRESSION OVER

In September last I made a reference to the unsatisfactory economic position of the Indian agriculturist. There has been some further improvement in the situation since then and such evidence as is available encourages the hope that the worst period of depression is over. The winter crops have been good in most parts of the country and prices of agricultural produce, though still low, maintain an upward tendency. Meanwhile wherever necessary the local Governments continue to give relief by advancing loans and granting suspensions and remissions of land revenue cess.

Of the special measures under consideration by certain local Governments which I mentioned in my last address the Central Provinces Debt Conciliation Bill is expected to be passed into law shortly. The report of the United Provinces Agricultural Debts Committee is now before the local Government who are also endeavouring to find a formula for adjusting rent and revenue automatically with major fluctuations in prices without need for resort to courts.

#### INDIANS OVERSEAS

The world-wide economic depression has inevitably had its repercussions on Indians overseas. In Ceylon and Malaya Indian labour employed on the tea and rubber estates has felt the effect of the fall in the price of these commodities. Wages have had to be reduced but my Government have endeavoured successfully with the co-operation of the Governments concerned to prevent such reduction from adversely affecting the labourers' standard of living. For those who are unwilling to work on reduced wages facilities for repatriation to their homes in India have been secured. Our agents in both the countries are watching the economic situation carefully with a view to safeguarding the interests of Indian labour. In South Africa also unemployment is common among Indians especially in Natal, but our agent there has made representations for relief to the Union Government which we have reason to believe have proved fruitful. The only other point which I need touch upon before passing from this subject is the appointment in last October by the Union Government of the Commission to enquire into the occupation of proclaimed land by Indians in the Transvaal. The Commission which is presided over by Mr. Justice Feetham of the Supreme Court of the Union has started work and my Government await its report with keen interest.

#### OTTAWA TRADE AGREEMENT

I followed with keen interest your proceedings during the last session with regard to the Trade Agreement which had been made at Ottawa by my Government with his Majesty's Government in the United Kingdom and it naturally afforded me the utmost satisfaction that the decision at which you arrived after prolonged consideration confirmed the action which my Government had taken in sending their representatives to the Imperial Economic Conference and in concluding a trade agreement. That your decision was a wise one I firmly believe and I shall look forward with great interest to the results of the periodical examination which you have decided to impose on the working of the agreement in order to test in the light of actual experience its effect upon Indian commerce and industry. I sincerely trust that this new departure in our tariff policy will be found to have justified itself and to have been of definite assistance towards that revival of commercial prosperity which we all so anxiously desire to see effected.

## REDUCTIONS IN ARMY EXPENDITURE

In my speech at the opening of the September session I apprised hon. members of the notable success achieved by the army authorities under the direction of his Excellency the Commander-in-Chief in reducing the cost of defence and I then indicated that the limits of retrenchment had almost, if not quite, been reached. Since then as part of his Excellency's schemes for economy we have been compelled to disband certain famous units whose long and distinguished records of service must command our admiration and respect. It is with the deepest regret that I have seen the names of the Pioneer Regiments disappear from our Army list. But I have (no ?) doubt that the traditions that they have created will be worthily maintained by those of the personnel who are being transferred to other units of the Army. Another measure that you will shortly have to consider is the one that aims at reducing the cost of Auxiliary Force. Our thanks are due to the units concerned for the spirit in which they have accepted the need for economy and I think I can assure them that the measures we intend to introduce will not prejudice the efficiency of the force as a whole.

## SPECIAL POWERS ACTS JUSTIFIED

I expect hon. members will remember the several occasions on which I have emphasised the determination of my Government not to relax the measures in force against civil disobedience so long as circumstances exist which make them necessary. I am glad to think that not only has that policy had the anticipated effect of reducing still further the proportions of the civil disobedience movement but that it has commended itself to the judgment of an ever-increasing number of moderate men who realise the harm done to the political and economic interests of the country by the disastrous policy pursued by the Congress. In order to prevent a recrudescence of the civil disobedience movement it was necessary for my Government to ask the Legislature to strengthen the general law by the inclusion of a considerable number of the provisions of the consolidated ordinance which expired at the end of December. It is an invidious task for a Legislature to enact special even though temporary measures of this character and it cannot be expected that a Legislature will shoulder that responsibility unless it is convinced of the reality of the menace from which the country requires to be protected. The experience, however, of the last few years has made that menace too plain to be ignored and not only the Central Legislature but the legislatures in all those provinces where the civil disobedience movement has been most intense have with no uncertain voice given to the Governments the powers whereby the forces of disorder can be kept in check and to the country the prospect of a steady return to peaceful conditions. The Acts which are now on the statute book will not be permanent but will be in force during the difficult period of transition—from the present to the new constitution—when there is a special risk of certain elements in the population trying to substitute the methods of revolution for those of constitutional and orderly progress. I trust that when the period for which these Acts will remain in force has expired those in whose hands the power will then rest will find themselves able safely to discard them and that the threat which direct action presents to the evolution of constitutional Self-Government will have been destroyed.

## CIVIL DISOBEDIENCE LEADERS UNREPENTANT

I regret that there are not as yet any open signs of a recognition on the part of the leaders of the civil disobedience movement of the harm their policy has caused to the country though their efforts to revive enthusiasm meet with little success. They still remain pledged to that policy. I am firmly convinced, however, that the march of events will gradually carry them further and further away from the sterile methods of negation and obstruction and that in spite of themselves they will find that they are caught up in the living forces of constructive politics which the near approach of the new constitution is releasing on all sides.

## SINISTER TERRORIST MOVEMENT

I must refer once more to the sinister terrorist movement in Bengal. Shortly after I last addressed the Assembly two serious outrages occurred, the dastardly attack on the Railway Institute at Pahartali near Chittagong and the second attempt—fortunately again unsuccessful—against the life of Sir Alfred Watson, Editor of the *Statesman*. Since then there has, I am glad to say, been some im-

provement in the situation. The Bengal Legislative Council have given the Bengal Government all the powers for which they have asked and have passed a Special Act aimed at the expression of terrorist outrages and a further Act which enhances the punishments for offences in connection with fire-arms and explosives and it is hoped will operate as a deterrent to those who either wish to assist the terrorist movement or merely for gain to smuggle arms into the presidency. The despatch of troops to the province has also had a reassuring effect on the loyal population and I believe has helped to convince the anarchical elements that the Government are prepared to use all their powers to stamp out this evil. But it is not merely by arrests and police measures that the movement can be eradicated. The members of this Assembly have recognised that much can be done by influencing public opinion to warn the youth of Bengal against allowing themselves to become entangled in murderous conspiracies dangerous to their country and ruinous to themselves and I hope I am not too sanguine in thinking that I detect signs that public opinion is ranging itself in a more practical way against the doctrines that lead these young men astray and that there is a growing recognition that the success of these methods of terrorism would be fatal to the hopes of peaceful progress in the province.

#### THE THIRD R. T. C.

Honourable members will doubtless have studied with care and with interest the reports as they appeared day by day in the press of the proceedings of the Third Round Table Conference which concluded just before Christmas. As on the previous occasions my Government have made arrangements to bring out an Indian edition of the valuable reports which present the labours of the Conference. I understand that copies are now available and have been supplied to all members of the House. Honourable members will not expect me to review in any detail the work done by the Conference. But I may be permitted to pass on some of the general impressions it has left on my mind from accounts reaching us. A signal feature was the determination of all who participated in the deliberations whether on the British or on the Indian side to get to grips with the difficult problems with which they were confronted and hammer out practical solutions calculated to carry with them the greatest common measure of consent. I have been impressed by the workmanlike way in which one complicated subject after another was taken up and discussed and the conclusions reached expeditiously recorded for future use and guidance. My next impression is of the general goodwill which is so clearly seen to have animated the discussions. Even where differences of opinion have remained mutual respect for views strongly felt has asserted an influence which is itself of good augury for the future. My last and strongest impression is of the work well done and another milestone behind us on the road of constitutional advance. There is no tarrying on that road. Steadily and surely the march to Federation proceeds.

#### INTERVIEW WITH DELEGATES

Since their return from England I have taken the opportunity to meet individual delegates in order to place myself in direct touch with their views. From the remarks they have made to me it is clear that the personal contacts they established at home with members of the British delegation have left them in no doubt of the evident intention of his Majesty's Government to press on to a conclusion the great work to which they have set their hands.

#### SECRETARY OF STATE'S ASSURANCE

There is one passage in the speech of the Secretary of State at the conclusion of the Conference to which I would particularly refer. You will remember that some pressure was put on the Secretary of State by members of the Indian Delegation to enter a definite date in the Bill at which time the Federation should come into being. The Secretary of State explained the grave difficulties in the way of that suggestion but gave two pledges the importance of which has, I feel sure, not been lost on the public opinion in this country. In the first place, the Secretary of State declared that it is not the intention of his Majesty's Government to inaugurate any kind of Provincial Autonomy under conditions which might leave Federation to follow on as a mere contingency in the future. In the second place, speaking not only for the British Government but for the British delegation as a whole he



stated that between now and the passage of the Bill his Majesty's Government would do everything within their power to remove any obstacles that may at present stand in the way of the Federation coming into being at as early a date as possible. These assurances were given as a declaration publicly made of the course his Majesty's Government have set themselves to follow.

#### GOVERNMENT'S PROGRAMME EXPLAINED

Let us then pause for a moment and take stock of the position. The series of three Round Table Conferences has completed the period of preparation. It now lies with his Majesty's Government to place their proposals before Parliament. The broad lines of their programme are already known to you. They intend without loss of time to embody their scheme of constitutional reform in what is only described as a White Paper for presentation to Parliament. The White Paper though not itself a Bill will contain the definite proposals of his Majesty's Government. The public memory is sometimes short so I take the liberty of reminding hon. members of the reasons given for the procedure contemplated. As the Secretary of State has said it has been the intention of successive Governments that a joint select committee of both Houses of Parliament should be called upon at some stage to examine the proposals for constitutional reform. In recommending to Parliament that this important task shall be performed before any Bill is introduced his Majesty's Government (and here I am quoting the words used by the Secretary of State last year) hope to facilitate Indian cooperation and ensure its effective influence in what is probably the most important stage in the shaping of the constitutional reform and at a time before irrevocable decisions are taken by Parliament. The procedure Parliament will follow once the White Paper has been presented is of course a matter for Parliament itself to decide. But I have no doubt that the Secretary of State will shortly make clear the exact intentions of his Majesty's Government as regards the lines of future procedure and I am confident that places will be found for some representatives of the Indian Legislature among the persons to be called into consultation with the joint select committee. In the meantime I disclose no secrets when I say that the present is a period of considerable official activity both in the India Office and here in the departments of my Government in completing the material required for inclusion in the White Paper.

#### WHITE PAPER WILL GIVE COMPLETE PICTURE

I can understand the impatience of those who wish to see the White Paper and study its contents. It may be expected to give a complete picture of the constitution his Majesty's Government have in mind both for the form of government in the provinces and for the Federal Government of the Centre proclaiming in its shape and composition the essential unity of this great country. Pardon me if I remind hon. members that the preparation of a document of such transcending importance requires the closest care and attention and that this brief interval—I can give hon. members the assurance that it is only a brief interval—after the conclusion of the Conference is essential to enable the task to be well and truly done.

#### ESTABLISHMENT OF RESERVE BANK

There is one step of vital importance in connection with the new constitution with which all of you gentlemen, as members of the Indian Legislature, will be directly concerned. I allude to the setting up of a Reserve Bank. I need not repeat the statements of the Secretary of State in his reported speeches at the Conference on this matter. But you will appreciate from them that it will be necessary to pass a Reserve Bank Bill during the months which will now intervene before the inauguration of the New Constitution. I trust that we shall find ourselves in accord with you on all the main conditions necessary for the creation of a sound and independent Bank and I hope that it will be possible to make known to you before the end of this session the programme for the procedure in this matter.

#### THE NEW INDIAN GOVERNMENT

As regards finance, I have some matters of interest to bring to your attention. So far as the budgetary position is concerned I do not propose to anticipate the statement to be made in four weeks' time by the Finance Member. But as you know important transactions have been proceeding recently as regards the public

debt and I think it may be appropriate if I take this occasion to tell you something of my Government's plans and expectations in this field. In all that we are doing now we have one paramount object in view and that is to prepare the position for the Indian Government under the New Constitution so that the financial foundations may be sound and so that the new Government may find itself freed from embarrassments in its early years. For this purpose it is particularly important that the large volume of short term debt maturing over the next few years should be converted into long term securities so that the new Government may find itself freed from the anxiety of having to meet substantial loan maturities during its early years.

#### A RECORD IN FINANCIAL HISTORY

A second object of great and immediate importance is to take advantage of the improved credit of the Government of India to reduce the rate of interest payable on Government loans. In order to achieve these two objects we have, ever since the turn of events gave us an opportunity last year, been working according to a carefully planned programme. Since June 1932 we have now launched no less than four important loan transactions three of which have been completed. We started with a loan to meet our immediate cash requirements in June and followed that in August with our first conversion operation. Then in the last ten days we have taken two more important steps—first a cash loan for 15 crores for which the subscription list was opened on January 23 and closed in half an hour heavily oversubscribed, followed on Jan. 24 by the announcement of a conversion offer for three issues totalling over 50 crores which we have the right to repay during 1933. I think I may say incidentally that this must be a record in the financial history of the Government and I note that one very enterprising weekly journal in Calcutta had to issue special supplements dealing with our loans in two successive weeks. These last two operations were of course closely connected, the first having been designed to reinforce the Government's cash position and to test the strength of the market as a preliminary to the second. It has been very gratifying that our plan so far has been attended with such signal success.

#### GOVERNMENT'S CREDIT RAISED

Now there is one feature about this programme to which I must call special attention. At each step the level of the Government's credit has been raised and whereas in June last we borrowed on a basis of somewhat over 9½ per cent, the last transactions show that Government's credit is established very nearly at a 4 per cent level. While this steady raising of our credit has strengthened our own position and will ultimately mean substantial savings in the budget, the process has also brought considerable profit to those members of the investing public that have taken advantage of the opportunities thus successively offered. This in itself has helped to fulfil the important purpose of restoring confidence generally and our latest reports from investment centres show that this confidence among investors is spreading. This must not only help the general recovery of business but will afford us opportunities of still further strengthening our own position and it is our purpose to continue on the lines hitherto so successfully pursued. This, gentlemen, is all of happy augury for the future. The steps which I have just described will I hope lead us towards greater economies in expenditure. But that is only one side of the picture and on the other it is of equal or perhaps has been of greater importance to consider the economic development of the country.

#### A COORDINATED ECONOMIC POLICY

I think it is true to say that there is now in the world and particularly in India a growing sense that in the present world conditions some sort of economic planning is necessary for every country. My Government is very much alive to this feeling and here again we have our eyes on the future and desire to prepare for the New Government measures for providing more accurate statistical information and for evolving a coordinated economic policy. I hope that we shall shortly be able to make known certain plans in this connection which are now under our consideration at the moment.

#### RAIL-ROAD COORDINATION

I wish to call your attention to one particular matter on which we are taking action which is an important illustration of the work which requires to be done in

this field. Communications and transport are of vital importance in the development of every country but more especially to a country so vast as India. The competition of road and rail transport has produced acute problems in many countries and although in India these problems are not yet so acute as in some other continents it is essential that a properly coordinated plan should be prepared if we are to avoid the serious difficulties which are being faced elsewhere. A valuable report in this subject has just been completed for the Government by two expert officers and we propose as soon as possible after the conclusion of this session to hold a conference at which all the provincial Governments, the Railway Board and certain unofficial organisations will be represented. This conference will deal with questions such as the coordinated development of roads and railways, the methods by which such development may be financed, the taxation of motor transport and other kindred matters. It is particularly an appropriate occasion for the discussion of these questions because after a long period of restriction in public expenditure we are now I hope approaching times when aided by the consolidation of our financial position and the improvement of our credit to which I have already referred and with prospects of cheap money we may be able to initiate plans which will not only permanently improve the economic productivity of the country but in their execution help to set money in circulation which is so necessary in the present depression.

In leaving you to your duties I earnestly pray that sound judgment and a desire for mutual understanding and goodwill may characterise this session of the legislature and may thus carry India further forward to the fulfilment of her legitimate aims and aspirations.

#### Introduction of Official Bills

Leave was then granted to *Mr. Tottenham*, Army Secretary, to introduce the *bill to amend the Indian Marine Act* with a view to constitute a potential reserve of officers for use in emergencies when officer strength of the Royal Indian Marine required expansion. The reserve will be open to Europeans, Indians and members of the domiciled community. Membership will entail a brief period of annual training in one of the State ships.

*Mr. Bajpai* introduced a *bill to amend the Indian Forest Act*, the purpose of which was to extend certain privileges to the court of wards which for the present were enjoyed by the owner of any private forest.

*Sir Joseph Bhole* was given leave to introduce a *bill to amend the Railways Act*, the object of which was to provide for punishment, if a passenger pulled the alarm chain with the intention of obstructing traffic, by imprisonment up to six months or with fine or both. The bill also provided for arrest without warrant or written authority.

*Mr. Mitchell*, Legislative Secretary, was also given leave to introduce a *bill to amend certain enactments and repeal certain other enactments*.

The House next allowed *Sir Frank Noyce* to introduce his *two bills*, one *regulating the possession of wireless telegraphy apparatus* and the *other regulating payment of wages to certain classes of persons engaged in industry* enabling prompter payment of wages to persons receiving less than Rs. 100 monthly.

The House then considered *Sir Frank Noyce's bill to prohibit the pledging of labour of children* as reported by the select committee.

A brief discussion followed wherein *Mr. Joshi* supported the bill and the other speakers were Messrs. *Jog*, *Daudi*, *Sarda*, *K. Ahmed*, *Gaya Prasad Singh*, *Azhar Ali* and *Lal Chand Navalrai*. *Mr. Clow*, summing up the debate, said the purpose of the bill was not to prevent cruelty but to enable children who were now bound down to the employer and could not get away to be able to do so. This would not prevent any person from employing children on reasonable terms provided the child had the liberty to leave his service if he wished.

The discussion had not concluded when the House adjourned.

**2nd. FEBRUARY:**—The attendance was considerably thinned when the Assembly met to-day to discuss the *private bills*. The question hour was enlivened by a large number of questions, especially those relating to the hunger-strike of prisoners. The Home Member, replying to *Mr. Gaya Prasad Singh*, said that three prisoners had been on hunger-strike for a considerable period in the Rajahmundry jail.



## INCOME-TAX ACT (AMENDMENT) BILL

*Sir Hari Singh Gour* moved the Income-tax Act (Amendment) Bill to be referred to a select committee, consisting of the Finance Member, Messrs. Gaya Pershad Singh and Amarnath Dutt, Dewan Bahadur Harbilas Sarda, Mr. C. S. Ranga Iyer, Sardar Sant Singh, Mr. H. P. Mody, Dr. Ziauddin Ahmad, Mr. Mackenzie, Raja Bahadur Krishnamachariar, Mr. B. V. Jadhav and the mover.

*Sir George Schuster*, on behalf of the Government, stated they must oppose the Bill in the present form. Government had received a large body of opinion which was opposed to the bill. In spite of this Government felt that some check from an outside agency was necessary on income-tax officers. They had seen a suggestion made by the Indian Board of Accountancy that a tribunal as a final court of appeal be set up for income-tax cases. The judges of the tribunal should be of the status of a High Court judge and the tribunal itself must be under the control of the High Court and not under the Central Board of Revenue. This required careful consideration, but the speaker would not give it the unqualified support of the Government. The Government would be prepared to examine the general question to check on the operations of the Income-tax department, but they were opposed to the Bill as any attempt at popular control by laymen at the early stage of assessment would be unworkable. *Sir George Schuster* suggested to *Sir Hari Singh Gour* to withdraw the present Bill and introduce a better one in due course. If, however, the Bill was changed in the select committee to embody the Government proposals, he would not oppose the reference to the select committee.

*Sir H. S. Gour* said his object was that there should be a body of opinion unconnected with the assessing department to examine the cases and ensure that justice was done. As regards the Finance Member's suggestion he would say that the select committee would consist of experienced men and they would be at liberty to change the Bill as they considered necessary.

*Sir George Schuster* intervening made it clear that the Government were prepared to give sympathetic consideration in the select committee to the proposal for the setting up of a final court of appeal without any other change in the procedure of the lower court. Any clause in the Bill which went further than that would be opposed by the Government. If the House accepted that undertaking of the Government they would not oppose the reference to the select committee.

*Mr. Mody* admitted that the Bill went further than many of them wanted to do. But they were not sticking for the whole Bill and would be satisfied if a final court of appeal was instituted and thereby some sort of check on the assessing authority was created. It was true that the hands of the select committee should not be tied down but the tacit understanding would be only for a final court of appeal.

*Sir George Schuster* : On that understanding I have no objection to the select committee. We will be at liberty to oppose every clause of the Bill which might go beyond that understanding. The Bill was accordingly referred to the select committee.

## DISSOLUTION OF MARRIAGES BILL

*Sir H. S. Gour* next moved the reference to the select committee the Bill to remove certain doubts regarding dissolution of marriages of persons professing the Hindu religion. The Bill, he said, had provided the much-needed social reform and was of a humane nature. There was life and vigour in Hinduism to adapt itself to the changing conditions and he was sure the change proposed would be accepted by the House as it was necessitated by modern conditions. The opposition was based on the notion of sacrament which should be from both sides. To-day, however, in Hindu society woman was sacrificed to man who could marry a number of times irrespective of her opposition.

*Mr. Sitarama Raju* opposed the select committee motion but wanted the recirculation of the Bill, specially because Madras, which is the stronghold of orthodoxy, had not expressed its opinion. Public opinion, he said, was as much opposed to the measure as it was when the Bill was first introduced in 1928. He requested *Sir H. S. Gour* to withdraw the Bill and added that he could not take any part in the debate or express an opinion on the Bill.

*Mr. Shafi Daudi* said Mussalmans would also remain neutral.

*Bhai Permanand*, opposing the Bill, did not know any Hindu woman who had deserted her husband on account of impotency.

*Mr. Ranga Iyer* urged that extreme caution should be exercised in enacting a measure of that kind and welcomed the announcement that Government would be neutral.

*Mr. Ramakrishna Jha* wanted Sir H. S. Gour to leave Hindus alone. He asserted that sacrament was alike for the husband and the wife.

*Mr. Hoon* said that the fundamental basis of Hindu marriage was the procreation of a male offspring. That ideal was defeated if the husband was impotent. It was, therefore, necessary for that ideal that the Bill be accepted by the Hindus.

*Sir H. S. Gour*, in winding up the debate, thanked the members for the moderation in their speeches. He was surprised at the neutral attitude of the Government. He felt they should have given support to a humanitarian measure.

The House accepted Sir H. S. Gour's motion to refer the Bill to a select committee by 12 votes to 11 and rose till the 16th. Feb.

#### PLEDGING OF CHILDREN'S LABOUR BILL

**6th. FEBRUARY** :—Further consideration of the Bill to prohibit the pledging of labour of children, as reported by the Select Committee, was taken up. *Raja Bahadur Krishnamachari* opposed the Bill, on the ground that the word "pledging" had not been properly defined, and that the Government were showing false sympathy for protecting Labour without taking into consideration the conditions prevailing in the country. *Sir Frank Noyce* was gratified that his original expectations of support had been generally fulfilled. He doubted if there was any room for the doubts and fears expressed by Mr. Krishnamachari. The House adopted the motion.

Consideration of clause by clause was then begun, when *Mr. Thampan* moved that the proviso to the definition of the word "agreements" be deleted after which the House passed the Bill without a division.

*Mr. Gwynne*, on behalf of the Government, assured the House that the penal clause of the measure would be postponed from coming into operation till such time as certain contracts that might have been in operation were terminated.

#### LAND ACQUISITION AMEND. BILL

*Sir Frank Noyce* moved for reference to a select committee of the Land Acquisition Amendment Act, which motion was adopted.

#### RAILWAY ACT AMENDMENT BILL

*Sir Joseph Bhore*, Commerce Member, then moved that the Indian Railways Amendment Act be referred to a select committee. The amendment was for providing and maintaining any means of transport for the conveyance of passengers, animals or goods, in any area to which access was afforded by Railways. *Sir Joseph Bhore* explained that the Bill, if passed, would secure for the railways some remunerative traffic which was taken away from them owing to motor competition.

Messrs. S. C. Mitra, Ramakrishna Reddi, Jadhav, Gaya Prasad, Azhar Ali, Lalchand Navalrai and S. C. Sen opposed the motion as untimely, while Dr. Anklesaria supported it, dismissing the Opposition arguments as irrelevant.

*Sir J. Bhore* complained that the House had misunderstood the Government's intentions, and said that the question of Railway administration did not come into the picture at all. Personally, the Commerce Member considered that the Railways would provide more convenient and safer motor service. He refuted the charge that the Railways were going to enter into competition with private enterprise. Concluding, *Sir J. Bhore* assured the House that the Road Committee report would be published within a few days, and the Select Committee would not meet until the Members were satisfied that they had sufficient time to examine the report. The Bill was referred to a select committee.

#### AUXILIARY FORCES BILL

*Mr. Tottenham*, Army Secretary, then moved for reference to a Select Committee of the Auxiliary Force Amendment Act. The Bill, he said, provided that persons subject to the Act shall be divided into only two classes, active class and reserve, and empowered the competent military authority to determine periods of training to be undergone, with the reservation that no such persons shall be required to undergo more training than that to which he was liable under the existing law. The

Bill was also intended to remove statutory restriction, under which only persons residing in prescribed military areas were eligible for enrolment.

The motion was adopted and the Assembly adjourned.

#### MARINE VOLUNTEER RESERVE BILL

**7th. FEBRUARY :—***Mr. Tottenham*, Army Secretary, moving that the Indian Marines Amendment Act be taken into consideration, said that the object of the Bill was to provide an opportunity for Marine Service on a voluntary basis to those persons in India who were interested in nautical pursuits, and at the same time to constitute a potential reserve of officers for use in emergencies when the officer strength of the Royal Indian Marine would require expansion. Under the Bill, it was proposed to organise a small Royal Indian Marine Volunteer Reserve, open to Europeans and Indians and members of the Domiciled community. Membership would entail a brief annual training on ships, besides instruction on shore. The Army Secretary said that it was a simple and straightforward measure, and was of practical importance. The expenditure involved was small. The Bill was passed.

#### FOREST ACT AMENDING BILL

*Mr. Bajpai* moved for consideration of the Indian Forest Act Amending Bill investing the powers of a owner with the Court of Wards. *Mr. Thampan* and *Mr. Raghbir Singh* suggested proper consideration by the Assembly of the measure before passing it. *Mr. Thampan* protested against the high-handed manner in which the Bill was being rushed through without consulting the local Governments. *Mr. Bajpai* replied that it was not so. The Government had already taken the precaution of consulting the local Governments concerned. The Bill was not contentious. The House passed the Bill.

#### RAILWAY ACT AMENDMENT BILL

*Sir Joseph Bhore* moved for consideration of the Bill to amend the Railway Act, with a view to further penalise the pulling of communication chords to stop trains. He said that this had been a growing evil, and it was quite clear that in a large number of cases, this was done deliberately to obstruct the administration. He mentioned that, on a certain railway in a single month, one individual stopped trains no less than eleven times, in spite of the fact that on four occasions he was given the maximum punishment of Rs. 50 fine. Such stoppages cause considerable inconvenience to the public. The proposed amendment would enable imprisonment up to six months, or fine or both to be imposed. *Sir Joseph Bhore* hoped that this higher penalty would result in discouraging people from practising this obstruction.

*Messrs. Ranga Aiyar* and *Jadhav* opposed the motion, and held that because certain gentlemen committed the same offence eleven times, that was no reason for bringing in all-round legislation.

*Mr. Maswood Ahmed* proposed circulation of the Bill to elicit opinion before the 31st July. He contended that it would be difficult to prove in a court of law that the intention of the accused was to obstruct traffic. The difficulty would be more in the case of ignorant and illiterate villagers, in whose case even if ignorance was no excuse, a sentence of imprisonment would be unjustified.

*Mr. S. C. Mitra* opposed the Bill entirely, as pulling the chain was not part of the Congress programme, and was but a temporary phase.

*Sir Mahomed Yakub* said that the pulling of alarm chains was an important programme of the Congress, and the measure was very important in order to avoid inconvenience to the public.

*Mr. Amar Nath Dutt* thought that the drafting was defective. If as the Viceroy has said, the Congress was dead, there was no necessity for the measure. He felt sorry that a sympathetic Indian Commerce Member was being used as catspaw for bringing in an undesirable and irritating Bill.

*Mr. Neogy*, opposing the Bill, complained that the Government had not placed before them detailed data showing the number of cases of infringement of the Railway Act, and also the various parts of the country where the offences were committed. He asked the Government whether, on the principle of reciprocity, they were prepared to enhance the penalty on railway officials responsible for over-loading compartments.

*Mr. Lalechand Navalrai* was afraid that the provisions would be misused. He agreed that paralysing of the train services could be made penal, but not causing



obstruction to traffic, which might be for a legitimate object. The Bill had the stringency of the Ordinances, and should therefore be limited to a temporary period. If the only object was to meet the state of emergency created by the Civil Disobedience and terrorist movements.

*Sir Hari Singh Gour* objected to the Bill on three grounds. If the aim of the Bill, he said, was to cope with the Civil Disobedience Movement, the avowed object of which was to bring the Government into hatred, then, it would be difficult to prove the motive of the accused by providing against paralysing of train services, for the accused might say that they were only attempting to bring the Government into contempt and the pulling of the chain was one way of doing that. He reminded the House that criminal jurisprudence took note of primary intention. He also felt that the High Courts had no power to revise sentences of six months. His second objection was based on the ground that the Government should have enhanced the fine instead of providing six months' imprisonment. Thirdly, he felt that a man from Bombay might find himself unable to defend himself, if prosecuted in Assam, and there was need for a provision to penalise railway officials launching on frivolous prosecutions. He pleaded for postponement of the Bill, with a view to meeting the wishes of the members.

*Sir Joseph Bhole*, replying, stated that he saw no purpose in circulating the Bill. He asked the House either to accept or throw out the Bill. Some members had drawn a harrowing picture, but they forgot that the onus of proof was on the prosecution. The entire purpose of the Bill would be defeated by a graduated scale of punishment, as punishment would be deterrent only if it carried the risk of maximum penalty. The case of a person pulling the chord eleven times in a single month on a single railway, was not the only one. The latest figures available were for August 1932, and showed eight cases in a month.

*Mr. G. P. Singh*: Only eight?

*Sir Joseph Bhole*: There were 140 to 150 cases in the past eight months.

*The Commerce Member* said that the provision was not being extended to obstruction of railway servants as this difficulty had not arisen. He assured *Mr. Neogy* that the Government would punish its own men equally if a just accusation was brought. Finally, *Sir Joseph Bhole* said that if there was a general feeling in respect of the third clause imposing arrest without warrant, he would be perfectly willing to meet them, and accept a motion in that respect, provided the House accepted the Bill as it stood in other respects.

*Mr. Maswood Ahmed's* motion for circulation was defeated, and the Commerce Member moved for a select committee. The House adjourned at this stage.

#### SOUTH INDIAN INFANTRY BATTALIONS

**8th. FEBRUARY** :—After questions to-day, further discussion of *Mr. Jadhav's* resolution recommending that South Indian Infantry Battalions be again raised in the Madras and Bombay Presidencies was resumed. *Mr. Jadhav* recalled the martial qualities of the Mahrattas and South Indians in the past, and questioned the wisdom of the Government in doing away with their services at present.

*Mr. Sitarama Raju*, supporting the motion, traced the historical background of the Madras regiments, and held that till the conquest of the Punjab a hundred years ago, the battles of the British in India were fought by the Madras Army. In this connection, he quoted the Madras Government's opinion urging the revival of the old Madras Regiments, and pointed out that in the future army, strength alone did not count. Intelligence was even more necessary for the defence forces in Self-Governing India. He further quoted figures for recruitment for the Great War, in which Madras stood third after the United Provinces and the Punjab, and pleaded, as far as possible, for a uniform policy of recruitment instead of confining it only to one-third of the country as at present.

*Mr. Raghubir Singh* criticised the complete disarming of the people which was responsible for making them feeble. He asked the Government to have the same regard for Indians as they had for the British.

*Mr. Tottenham*, Army Secretary, said that as a Madras Civilian, he was fully conscious of the feeling in that Presidency and of its Government. He judged the issue with a knowledge of both sides, but asked the House to hear the military view on the matter. It was Lord Kitchener who ordered the reorganisation of the Indian Army with a view to enabling it to function in units and in theatres where it might be called upon to act during war. It

was this reorganisation which had helped India to take an immediate and effective part in the Great War, but that war showed that there must be a balance between the fighting troops and the administrative and auxiliary services. Secondly, they must have modern equipment. In order to carry out this lesson of the War, the financial conditions of India made it necessary to make a saving by reducing the strength of the Army. They had disbanded forty thousand troops, of whom one-third were British. This was because it was better to have a smaller army better equipped than a larger army without up-to-date equipment and the proper complement of auxiliary services.

It had been argued that the people of Bombay and Madras would make efficient soldiers. The military reply was that they might be good soldiers, but that it had been found by experience that others were better, and the Army must have the best. Moreover, the great soldiers produced in the past by Bombay and Madras conducted campaigns in their own climate and had not to face the extreme heat and cold of the Frontier.

The second argument advanced was that it was unwise to recruit for the army from a particular class only. Mr. Tottenham replied that the Indian Army hardly represented one thousandth of the country's population. While the people's ambition to take part in the defence of the country must be respected, there were practical difficulties, and the authorities could not afford to take a chance with the recruiting material. He declared that the Government's policy regarding the Pioneer organisation showed that the Army authorities were anxious to retain and use personnel, wherever it might come from, so long as they were satisfied that it was the best possible material for the purpose.

Finally, Mr. Tottenham announced that the Commander-in-Chief had decided to select Madras as one of the classes to be recruited for the new Indian Artillery, which was to be formed as a part of the Indianised division (applause). He added: "This is a new change for the Presidency, and I am personally gratified at the decision taken by His Excellency. I hope I have shown that our policy is not due to blind prejudice, but one in the best interests of India" (applause).

Mr. Jadhav, while expressing his gratitude to H. E. the Commander-in-Chief for Mr. Tottenham's statement, wanted that the number of Indians in the artillery should be raised and not be confined to Madras Province.

Mr. Tottenham, replying, said that there would be altogether four batteries in the first artillery brigade and one of these would be allotted to Madras. The other three would be recruited from other classes, but he could not say now whether they would be recruited from what were called non-martial classes.

Mr. Jadhav withdrew the resolution. No other resolution was moved.

The Assembly then adjourned.

#### LIMITATION ACT AMENDING BILL

**9th. FEBRUARY :—**Mr. Sant Singh moved to-day for a select committee for his Bill to amend the Limitation Act so as to extend the limitation period from three to six years. This extension, he said, would greatly relieve the debtor from the cost of litigation and would help him to escape from compound interest, in case he gave fresh acknowledgment of his liability. Such relief was necessary in these days of unprecedented economic depression. The Bill could not however affect pending suits.

Sir Hari Singh Gour said that if he was sure that the Bill would help the debtor, he would have been glad to support the measure. The Bill would only benefit the creditor. Sir Hari Singh Gour hoped that the present economic depression was a mere passing phase. The Bill, if it was passed, would impose a permanent hardship on the debtors, who certainly would not get any remedy from the proposed legislation.

Sir Brojendra Mitter, Law Member, explaining the legal position held that the Bill would seriously injure debtors by the extension of limitation. The creditor would always choose the time for filing a suit according to his own interest and not in the interest of the debtor. The measure instead of giving relief to the debtors would give an additional handle to the money-lender for being used as an instrument for greater oppression.

Messrs. Yamin Khan, Anwarul Azim, B. N. Misra and Grant (Burma official) opposed the measure and advised the withdrawal.

Sir Fazli Hussain reminded the House that a similar measure was passed as early as 1918 in the Punjab Legislative Council but after five years' experiment it

was found that six years' limitation was against the interests of debtors and the reformed Council repealed it bringing down the limitation to three years.

*Sardar Sant Singh* felt unconvinced by the arguments of those who opposed the Bill. The Bill was defeated without a division.

#### CRIMINAL PROCEDURE AMENDING BILL

*Mr. Sant Singh*, moving for a select committee on the Criminal Procedure Amending Bill, said that as the administration was being reformed, it was desirable that the standard of judicial administration should be also raised in order to inspire greater confidence in the courts. Discussing the clause relating to searches, *Mr. Sant Singh* explained that his amendment sought protection against possible chicanery and unfair dealings on the part of officers conducting searches. Proceeding, *Mr. Sant Singh* pointed out that in recent political trials, the powers of remanding accused to police custody had been much abused. In most cases, magistrates wrote orders of remand without seeing the accused.

*Mr. Jaggannath Agarwal* supported the Bill, and emphasised that the underlying principle was to secure uniformity of law. In some provinces, the Magistrates had power to award punishment extending to seven years' imprisonment. In certain provinces, the District Magistrates were more amenable to police influence than in the others. Checks were necessary in the interests of the accused.

*Mr. G. S. Dutt* (official, Bengal) and *Major Ahmed Nawaz Khan* opposed the Bill, while *Mr. S. C. Mitra* supported it. Discussion had not concluded when the Assembly adjourned till the 13th. Feb.

#### ALL-INDIA MEDICAL COUNCIL BILL

**13th. FEBRUARY:**—The All-India Medical Council Bill was taken up by the Assembly to-day on the motion of *Mr. Bajpai*, Education Secretary, who made a twenty-minutes speech at the conclusion whereof he was cheered.

Referring to the origin of the Bill, he denied the impression that it was the result of dictation of the General Medical Council of Britain and narrated the history of the subject since 1910 when the idea first simmered. When the idea was again mooted in 1917 it was postponed pending the Montford reforms whereunder it was then known that medical education would become a provincial transferred subject. And after the reforms were inaugurated the proposal was held up owing to financial stringency. But *Dr. Lohakare* in the Assembly and *Dr. Rama Rau* in the Council of State introduced a bill on the subject and this bill was circulated for opinion. Opinions collected on *Dr. Rama Rau's* bill were placed before an informal conference in 1917 and next year the draft of the Government of India Bill was circulated among the local Governments. The replies of the provincial Governments suggested that the bill infringed provincial autonomy. The result was that the Government of India came to the conclusion that any attempt to co-ordinate the standards of medical education could only be satisfactorily worked if it had the willing support of the provinces. At this stage, *Sir Norman Walker* suggested that there should be set up a co-ordinating authority which could give some guarantee of uniformity of standards of education in all the provinces. The Government of India's proposal to appoint an inspector of medical education did not commend itself to the House. A counter-proposal of the Government to appoint a board of inspectors also did not find favour with the British General Medical Council. The result was that the British Council withdrew recognition from British Indian medical qualifications which placed difficulties in the way of graduates to pursue post-graduate work in England or secure employment in Malaya or Ceylon. This result gave a practical urgency to the problem of establishing an All-India Medical Council in order that reciprocal recognition should be secured for medical qualification secured in India. Faced with this situation the Government of India invited the representatives of provinces and universities in a conference at Simla. The conference concluded favouring the establishment of a co-ordinating authority which would negotiate and secure recognition of the Indian degrees.

*Mr. Sitarama Raju*:—Does this bill carry out the recommendations of that conference?

*Mr. Bajpai*:—That is for you to judge.

You may ask why the Simla Conference recommended that the functions of the All-India Council be limited to graduates and not include the medical licentiates. The licentiates are very numerous and a deserving class of practitioners. But there is a real difference between the educational standards of graduates and licentiates.



We definitely asked the local Governments whether they wished to include or exclude the licentiates. Seven local Governments were definitely against it. The Government of India had, therefore, no option. But Clause 13 of this bill definitely secures the object of the licentiates by seeing that there is no bar to their object of getting into the all-India register under certain conditions. Secondly, there is nothing in the bill which either deprecates or diminishes the privileges which the licentiates at present enjoy.

Explaining the scope of the bill, Mr. Bajpai alluded to the criticism that the Council would not be on democratic lines. The Government, said Mr. Bajpai, did not claim perfection for the bill but they were anxious that membership of the Council be representative of all the interests concerned and at the same time it may not be unwieldy.

Referring to the question of reciprocity, Mr. Bajpai said the Government wished this body to be in a position of effective equality for the purpose of negotiating for the recognition of Indian medical qualifications. It must be endowed with the realities of power. If a suitable formula could be found for this purpose the Government would be willing to examine it with an open mind. The Government hoped the body to be set up would be such as to command confidence and have a sustained career of usefulness. Mr. Bajpai pleaded for the cooperation of the House to remove any imperfections. (Applause.)

*Mr. Maswood Ahmed*, moving for circulation in order to elicit public opinion, pointed out that the bill as placed before the House was not one which the Government had already circulated. He complained that those opinions which the Government had printed five months ago were not made available to them earlier. The public had great suspicion that the bill was drafted under the dictation of the General Medical Council. Referring to the medical conference held in 1930, he said there were no independent medical men represented at the conference except Government servants and Ministers of provinces. In his opinion the bill should be designed more to protect the licentiates than the higher qualified graduates. Urging that the scope of the bill would be applicable both to British and Indian India, the speaker asked why the Patna, Andhra and Rangoon universities were not included in the bill.

*Dr. Dalal*, claiming 35 years' experience of the medical profession in India, welcomed the bill and opposed circulation. He described the suggestion that the bill was a result of dictation from the General Medical Council as a mischievous delusion. There was nothing defective in the bill and so there was no need for circulation. If any defect existed it could be examined and removed by the select committee. The necessity of the bill was universally admitted. The council should be established in such a manner as to ensure an honourable international status for the Indian medical degrees. Reciprocity depended on satisfying the authorities responsible for maintaining the standards of medical practitioners. In all countries only the highest medical qualification was recognised. At the same time there was nothing in the bill preventing the licentiates from being placed on the all-India register but now as a class they had been excluded because they had not the slightest chance of being recognised in other countries. But the door was open to them with improvement in their qualifications. As eventually the licentiates were bound to come within the scope of the bill there was no necessity for legislation for lower qualifications now. Let the House in coming to a decision on the present motion remember the fact that there were many Indian graduates who earned their livelihood in the United Kingdom. Dr. Dalal wanted the president of the Medical Council to be nominated by the Governor-General.

*Mr. Seetarama Raju* maintained that there was no over-riding necessity to rush this measure through, especially when there was a good deal of suspicion. He doubted when the principle of the bill was once accepted, whether it would be possible to make any material change in the select committee. When the Government of India were faced with the attitude of the General Medical Council refusing to recognise the diplomas of the Indian universities, they (the Government) instead of taking a step-motherly attitude, should have handled the situation in a different way. Surely the Government of India had failed to protect the legitimate rights of Indians and the remedy that was available had not been used. As regards the exclusion of the Andhra University from the schedule, he asserted it was in order to placate the General Medical Council.

*Mr. Joshi* asked how the General Medical Council was interested in the exclusion of Andhra.

*Mr. Raju*:—The only possible reason was that there was only one I. M. S. officer under the Andhra University.

Proceeding, *Mr. Raju* failed to believe that the bill was drafted in accordance with the wishes of the Simla Conference and the opinions of local Governments. *Mr. Raju* criticised the composition of the proposed medical council whereunder out of 28 members of the council, 12 were to be I. M. S. men and of the rest eight were to be selected from universities where all were gazetted employees of the Government. Thus for all practical purposes 20 out of 28 members of the proposed council would be in the hands of the Government. *Mr. Raju* contended that in such an atmosphere reciprocity was not possible in the real sense of the term.

*Sir Fazli Husain*, interrupting, said that under the reforms the Ministers, who would be in charge of medicine and who would also be on the medical council, would be responsible to the legislature.

*Mr. Raju*:—Then why not postpone the bill till the inception of the reforms? Concluding, the speaker referred to the opinions of the various local Governments who were not altogether opposed to the inclusion of licentiates in the general register. The Central Government's attitude in this matter was not justified.

*Dewan Bahadur Ramaswami Mudaliar*, Round Tabler, who raised the question of the medical council in the Round Table Conference, made a spirited speech for 65 minutes supporting the select committee motion but severely criticising several features. Referring to *Mr. Bajpai's* denial of the Government of India's servility to the General Medical Council, *Mr. Mudaliar* asked: Why did the Government of India send the "whole bill" together with the connected papers" to the General Medical Council for their opinion? Such a procedure was unwarranted and did show servility to the General Medical Council who should have been merely told that India proposed a medical council and whether that would not be enough to secure recognition of her medical degrees. Alluding to *Mr. James'* suggestion to include the universities of Indian States, *Mr. Mudaliar* said the British Indian legislature could not under the existing constitution and until federation was established legislate for the Indian States.

Proceeding *D. B. Ramaswami Mudaliar* referred to the merits of the bill and contended that even after the Government of India had obtained the opinions of the medical profession and local Governments they brought forward the same identical measure. Yet *Dr. Dalal* had praised the bill and was prepared to support every comma and semicolon. *Dr. Dalal* himself, he felt sure, would see that the Government had accepted changes in the select committee (Laughter). The local Governments, who were not certainly irresponsible, had suggested that the president of the council be elected after five years and *Dr. Dalal* wanted a perpetual nominated president.

*Mr. Ramakrishna Reddi* considered the time had come to take stock of the situation to bring about uniformity in medical standards and proficiency. He had not concluded when the House rose for the day.

#### BILL TO REGULATE PAYMENT OF WAGES

**14th. FEBRUARY:**—*Sir Frank Noyce* presented to-day the select committee Reports on Workmen's Compensation Act and the Land Acquisition Act while report on the Auxiliary Force Act was presented by *Mr. Tottenham*.

*Sir Frank Noyce*, moving for circulation of the bill to regulate the payment of wages, said the question was raised formerly through private bills but subsequently they were withdrawn on the understanding that Government would take steps after enquiry. The Labour Commission investigated the question thoroughly and their recommendations were available to the members. The investigation revealed the existence of abuses and the bill was to secure that wages shall ordinarily be paid within seven days of the expiry of the period within which they were earned. It proposed that persons contravening the provisions of the Act should be liable to prosecution should only be maintainable after a successful claim to refund had been preferred.

The circulation motion was agreed to.

#### ALL-INDIA MEDICAL COUNCIL BILL

The House then resumed discussion on the All-India Medical Council Bill.

*Mr. Ramakrishna Reddi* said the bill placed the medical graduates of Andhra, Patna and Rangoon universities and licentiates all over India in an inferior position to that of the licentiates and apothecaries of Britain. *Sir. John Megaw* and other eminent officials had certified the products of Indian universities as efficient. Yet

the bill gave a statutory recognition to the inferiority complex of Indians. The crying need was not to protect a few graduates of certain universities but to protect the interests of the medical profession including the licentiates. Mr. Reddi suggested the licentiates to be placed in a separate schedule on the all-India register with equal privileges and immunities with graduates but not included for purposes of reciprocity or international recognition. As for graduates, they should receive real reciprocity and not the one given in the bill to satisfy the General Medical Council. Licentiates also should be represented on the council. If the Government accepted these changes he was for the select committee, otherwise not.

*Mr. Jagannath Aggarwal* thought the framers of the measure had one aim, that was to placate the General Medical Council. The bill, as it stood, would not control the entire medical profession. The bill introduced in the House generally received the sanction of the Governor General but in this case it seemed to him the bill had received the sanction of the General Medical Council.

Comparing the bar council with the proposed medical council, Mr. Aggarwal held that it sought to create an exclusively official council. This measure was neither liberal nor well-conceived and if the Government really had the interests of the medical profession at heart they should introduce popular election by universities. The method of election suggested in the bill was no election at all. Proceeding, Mr. Aggarwal quoted largely from the opinions of the provincial Governments showing that some of them were against the choice representatives for the medical council being confined practically to the teaching profession and not extended to medical practitioners. He also objected to the obnoxious principle of excluded licentiates and wanted reciprocity on the same lines as the British medical degree holders were getting.

*Sir Cowasji Jehangir* regretted that the only doctor-member, Dr. Dalal, did not express the views of the medical profession and left it to 'uncertified adventures'. The Secretary of State was prepared to help the Indian case for reciprocal arrangements. The hands of the Secretary of State besides the Government of India should be strengthened in the matter.

*Sir Fazli Hussain*, who had done so much in this matter, should not see a bill passed which would have the effect of weakening his efforts for recognition. As for the licentiates, there were 30,000 and they desired a standardisation of their education so that the distinction between them and the graduates might be slowly reduced. *Sir Cowasji*, therefore, wanted an assurance that their education would be standardised and maintained.

*Mr. Sadiq Hasan* could not understand the mentality of the Government which, while putting thousands of licentiates in charge of dispensaries, tried to betray and degrade them in the eyes of foreigners through legislation. The best course for the Government was to abolish the institutions which turned out the so-called licentiates. When there was much talk of reforms and self-government the bill was reactionary in character as the council to be established would be absolutely official-ridden. He asked the mover whether Indian doctors would be allowed to practise in other foreign countries mentioned in the schedule.

*Sir Fazli Hussain* regretted the impression that the bill cast a reflection on the licentiates. Requesting the House to judge the bill on its merits, *Sir Fazli* assured that 'in this matter I am prepared to be guided entirely by the Assembly whose members should act as responsibly as I am prepared to be responsible to the House. Let the issue be decided on its merits without the fear of the Government or favour of any one whether on behalf of the Government or somebody else. (Applause.) This is not a matter of trade negotiations, nor commercial rights, nor financial safeguards but one in which we ourselves are concerned and we ourselves have to decide. Before reciprocity from the Medical council of Britain I want reciprocity between you and me.' Proceeding *Sir Fazli* explained how intimately he had been connected with the licentiates and how in several capacities he had done to uplift them as a class in his province. Continuing, *Sir Fazli Hussain* said there were several schools of thought among the licentiates themselves. Some wanted a uniform standard of medical education, but if one year was added to their instruction they would ask for some return for that additional instruction and if two years were added they would get medical graduates. The question then would arise whether the country's finances could permit such a burden. The speaker held that Major Naidu's address at the last medical conference thought constructively and calculated that 200,000 men would meet the rural requirements and suggested a still 'cheaper class of



practitioners who could undergo two to three years' training with individual practitioners and then undergo an examination. As regards medical graduates they were in an extremely difficult position. The medical association membership had an overwhelming majority of licentiates. If the graduates opposed them they got excited and for the sake of peace the graduates yielded. "I trust that will not be the attitude of the present Assembly. Let us shoulder our responsibility." The Education Member held that medical graduates cost much more than licentiates and the uniformity of medical education, therefore, would have a prohibitive cost.

He said the House would agree, firstly, that a uniform standard would be too costly. Secondly, that different standards would be maintained. As regards the Medical Council Bill, he assured them that it was not being hustled through, but felt the council was the best solution of the point raised by the British Council. He admitted that suspicion and protest was justified as the original bill's preamble gave rise to a feeling among the licentiates that they were not held to be qualified doctors. That had been now changed and the suggestion of the editor of the pamphlet written on behalf of the Licenciates' Association had been adopted by the Government and the council had been named instead of All-India Medical Council a Council of Medical Graduates of India.

Sir Fazli had not concluded when the House adjourned.

#### RELEASE OF GANDHI AND POLITICAL PRISONERS

**15th. FEBRUARY :—**There was a resolution on the agenda, to-day, by Mr. Ranga Iyer for nomination of representatives of the House to interview Mahatma Gandhi in jail with a view to bring about his release and that of his followers. When the Deputy President called on Mr. Iyer to move it, the latter made a statement yielding place to Mr. Maswood Ahmed to move his resolution on the same subject. The resolution asked :—

"For the release of Mahatma Gandhi, Mufti Kifayatullah and other political prisoners to secure their co-operation in the future of constitution making".

The discussion of the resolution was not concluded when the House adjourned.

#### GRIEVANCES OF DISABLED SOLDIERS

There was a heated debate on Mr. Mohamed Azahar Ali's resolution recommending the appointment of a Committee of the Assembly in order to enquire and recommend means of removing the grievances among discharged and disabled soldiers and widows and dependents of those who gave their lives in the Great War."

After debate the mover withdrew his resolution.

#### RAILWAY POLICY

Dr. Ziauddin moved that "in view of the trade depression, high rate of loan and the contemplated political reforms, the Assembly recommends to the Governor General-in-Council to take steps for carrying the necessary revision of policy and administration of Indian railways". After discussion the resolution was withdrawn.

#### Railway Budget for 1933-34

**16th. FEBRUARY :—**The Assembly met to-day to hear the railway budget speech. Sir Joseph Bhoré was loudly cheered as he rose to present the first railway budget since his appointment as Commerce and Railway Member. In the course of his speech, he said :—

It is usual to preface the statement on the estimates of the year by a mention of any important changes that may have been made in the form of the demands placed in the hands of Hon'ble Members. Two such have been made in the structure of our Demands for Grants on the advice of the Public Accounts Committee, and with the approval of the Standing Finance Committee for Railways. The first is the amalgamation of the Demands for strategic lines and commercial lines. The present system of having separate demands has not been found conducive to efficient control of expenditure. Strategic lines are administered as an integral part of the North Western Railway system, the expenditure on the whole of which is initially booked in one set of accounts. Only a small portion of this expenditure can be directly allocated to strategic lines; the major part being distributed between strategic railways and the commercial railways forming part of the total system proportionately according to certain formulae. The Public Accounts Committee recommended that separate Demands for Grants for strategic lines should be done away

with, but that information about the results of the working of strategic lines should be given in a separate appendix to the Book of Demands. We have adopted both these recommendations. The other change of importance is that we are showing in one Demand the total expenditure on open line works, whether the expenditure is technically met from the Depreciation Fund or charged to Capital.

From 1933-34 it has been decided that railway revenues should bear a share of the total cost of the management of specific railway debt proportionate to the railway debentures or loans appropriated for specific railway purposes.

#### FINANCIAL RESULTS OF 1931-32

The loss in the working of commercial lines turned out to be 7 crores, or a quarter of a crore less than anticipated, and that on strategic lines just under 2 crores. The total loss of 9 crores was met to the extent of just under 5 crores by the withdrawal of the uninvested balance of our reserve fund and the remainder 4 crores was taken as a temporary loan from the Depreciation Fund.

#### REVISED ESTIMATE FOR 1932-33

In dealing with the estimates for 1932-33 and 1933-34, I propose to follow the recommendations of the Public Accounts Committee and deal with commercial and strategic lines together. The results of the latter are more or less constant, being a loss of very near 2 crores a year and do not therefore affect comparisons to any considerable extent. Though the budget for 1932-33 was not framed on any optimistic basis and anticipated a total deficit of  $7\frac{1}{2}$  crores, of which  $5\frac{1}{2}$  crores was no commercial lines, our present anticipations are that the results will be  $1\frac{3}{4}$  crores worse. The deterioration is entirely due to a further fall in earnings.

#### BUDGET ESTIMATE FOR 1933-34

For the year 1933-34 we estimate that our total traffic receipts will be  $88\frac{1}{4}$  crores and our total working expenses, including depreciation, just over 63 crores. Net traffic receipts will thus amount to nearly 25 crores. Our other receipts are diminishing as a result of the gradual reduction of our balances in the Depreciation Fund and will be practically counterbalanced by our miscellaneous charges. Taking all these into account, we calculate that our net revenue will be insufficient to meet our interest charges by about 7 crores. This deficit (of which 5 crores is in respect of commercial lines) has again to be found by a temporary loan from the Depreciation Fund, which will stand at the end of 1933-34 at  $13\frac{2}{3}$  crores.

In the hope that we have plumbed the lowest depths of the present period of economic depression and we may anticipate a slight recovery, we are placing our estimate of traffic earnings about  $1\frac{3}{4}$  crores or barely 2 per cent. above the current year's figures. This is practically what was actually received in 1931-32, and in view of the fact that during 1933-34 our rates of freight and fares will be at an appreciably higher level than they were during the greater part of 1931-32, I do not think that these estimates can be considered as unduly optimistic.

We estimate our working expenses next year at 25 lakhs higher than in the current year. The reduction by a half of the emergency cut in pay, after allowing for the fact that we shall no longer have to pay to the Incometax Department the compensation we paid this year in respect of the exemption of railway staff from payment of the additional taxation imposed in November 1931, is responsible for a difference of 67 lakhs. Our estimates allow, however, for a reduction of other expenditure amounting to 42 lakhs of which more than half is in our fuel bill.

#### CAPITAL EXPENDITURE

First, let me advert to the subject of our new Capital expenditure during the coming year. Our capital programme for 1933-34 is a very attenuated one. Apart from the completion of our existing commitments it provides only for bare essentials. No new lines are to be undertaken, the amount of 32 lakhs provided for new construction being only for the purpose of completing lines already begun. The total amount we expect to require for all expenditure on works not charged to revenue is  $9\frac{1}{4}$  crores in cash after allowing for a reduction of about  $1\frac{1}{4}$  crores in stores balances. Apart from the strengthening of a few bridges which we have had to undertake, the only important expenditure of any magnitude is on the purchase of a number of wagons in replacement of those which have passed their normal lives and are proving uneconomic to maintain. We are providing for the purchase

of 2,500 wagons at a cost of about 90 lakhs. While this is expected to reduce our cost of maintenance of wagons, it will afford assistance to the Indian wagon building industry at a time when orders are badly needed.

#### DEPRECIATION FUND

The railway depreciation fund is built up by annual contributions representing roughly the value of the various classes of wasting assets included in our railway property divided by their assumed lives, different lives being assigned on basis of the past experience to each class. Such contributions are continued throughout the whole period of the assumed life of each asset, irrespective of when it is actually retired or replaced. The original cost of the asset is withdrawn from the fund when it is actually retired or replaced. Finally, Indian Railways are still comparatively young; many of our assets have still a long useful life and their turn to be renewed or replaced has not yet come. On the other hand, it has to be remembered that no provision was made at the inception of the fund for arrears of depreciation while money has been withdrawn to meet the cost of all renewals, and we had a comparatively ambitious programme of works in the years immediately following the institution of the fund. Premature renewals have also been effected to a certain extent. Taking all factors into consideration, however, the size of the fund gives causes for serious reflection.

#### CUTS IN PAY

We have applied the decision arrived at in regard to cuts in the pay of the Administrative Services to the personnel of the Railways. During the coming year, therefore, Railway Staff will be subjected to half the cut imposed on them during the current year, but this will be accompanied by the withdrawal of income and supertax privileges. The financial result will be a reduction in the savings in the coming year from about 176 lakhs net, after allowing for payments of compensation to the Income Tax Department, to 103 lakhs, while the combination of half the existing cut with the loss of the income-tax privileges will in effect secure, speaking generally, a graduated scale of salary deductions.

Hon'ble Members are already cognisant of the fact that Mr. Pope who had had special experience of this sort of work on the London, Midland and Scottish Railway is conducting an examination of the possibilities of securing further economies on our Railways. The subject of his special examination is the Great Indian Peninsula Railway and with him are associated officers from other Railways so that the methods adopted and the lines followed in this particular investigation may be applied to other Railways. His review will, it is hoped, be ready very shortly, and if, as a result, arrangements promising immediate economies and capable of immediate adoption are possible, no time will be allowed to elapse before we adopt them. In any case we expect that the most fruitful lines of further enquiry will be indicated, and these will be pursued in the coming months.

#### INCOME TAX AMENDMENT BILLS

After the presentation of the Budget, two income-tax amendment bills were referred to Select Committees on the motion of *Sir George Schuster* who was severely criticised in regard to the one which related to foreign investment, *Sir Cowasji Jehangir* being the most critical. As set off against this *Sir Cowasji* was most accommodating and helpful to the Finance Member regarding the second bill, the main provisions of which and were intended to give various facilities and concessions in the matter of assessments references to High Courts and check leakage and also afford administrative facilities or clarify doubts. Opinions received on the bill were largely in favour. *Mr. S. C. Sen* made a few criticisms and *Sir Cowasji Jehangir* expressed satisfaction at the provisions. The latter affirmed that there was a great deal of evasion.

#### BILL TO REGULATE POSSESSION OF WIRELESS SETS

*Sir Frank Noyce* had very little difficulty in getting the select committee on his bill to penalise the illicit use of wireless apparatus. There was a flood of speeches over the measure by several non-official members after which the House adjourned till the 20th.

#### General Discussion on Railway Budget

**20th. FEBRUARY :—***Dr. Ziauddin Ahmed* opened the general discussion on the railway budget to-day. He criticised the underestimating of expenditure, and said that it was much more than crores. He calculated the total deficit at the end of the year



at crores. and urged the Railway Board to make serious efforts to restore the equilibrium. They should encourage cheap travelling and movement of goods, and thus facilitate increase of trade. Concluding, he pleaded for decrease in overhead charges and reduction in interest charges.

*Mr. B. Das* described the Railway Member as the third Czar in the railway kingdom—the first two Czars being Sir Charles Innes and Sir George Rainy. He criticised the Railway Retrenchment Committee for not having done its duty and postponed everything in the nature of real economy to another expert enquiry. And now they were hunting for experts. The Chief Commissioner of Railways had referred to the Canadian Pacific railway system. But would he also reveal the gross mismanagement which was wrought in that system? Mr. Das then objected to the proposal that railways should run their own bus services on roads in competition with private enterprise, and said that the Railway Board could not conceal their mismanagement of railways by running bus services. The immediate need of the hour was ruthless economy in the staff and wages, and Mr. Das asked the Board to instruct the Agents of Railways to give up the mad orgy of duplicating staff, and attempt to bring freshness of mind in the senior staff. Concluding, Mr. Das agreed with Dr. Ziauddin in urging for reduction in interest charges and suggested that Sir Joseph Bhore should consult the Financial Commissioner and also the Finance Member and taking advantage of the conversion scheme bring down the rate of interest on loans taken at high rates.

*Mr. A. H. Ghuznavi* congratulated Sir Joseph Bhore on being the first Indian Commerce and Railway Member. The speaker held that the deficit was staggering, Government losing considerably because of higher freights. If only Government had listened to the speaker's words last year they would have benefitted. "Last year I had gauged what happened to-day. I said you were losing 50 lakhs, of which 20 lakhs on purchasing coal and 30 lakhs on raising coal". Now the "Hindustan Times" had published that there was this year a saving of 20 lakhs on the expenditure on coal (applause). If only Government would take my second suggestion they would save 30 lakhs." Mr. Ghuznavi next contended that about 15 lakhs of rupees worth of railway traffic had been diverted from railways to the B. I. S. N. Shipping Company on the pretext that it was cheaper in the interest of the M. and S. M. Railway to ship than rail it. Mr. Ghuznavi next remarked that railway collieries which were of second class should be closed, as it was economic to close than run them. The railway stores showed a colossal loss. It was stated that Rs. 54 lakhs of stores have been discovered as not shown in the books at all. He asked how then must be the extent of pilfering, theft and other losses. He asked why, when the E. I. R. and E. B. R. were owned by the State and had offices in Calcutta adjacent to each other, they kept double establishment? Their combined mileage was not bigger than N. W. R. He asked: "why not at least combine the Chief Medical Officers' posts when the whole of Bengal could be run by one Surgeon General."

*Mr. N. M. Joshi* characterised the policy of Government as neither businesslike nor moral. They should adopt a forward bold policy and should not curtail the constructive programme, but launch in a scheme to give employment to the people. Government on the other hand had been following a policy to give more to those who take more from those who have little. For instance, Government spent Rs. 260 per third class seat which yielded Rs. 240 while Rs. 4,000 per first class seat which brought in only Rs. 208. Similarly subordinate employees were paid at market rates while higher staff were paid fat salaries. The remedy, he suggested, was in making the railway administration responsible to the people of the country. Mr. Joshi also criticised the policy of making debits against pay of subordinate staff for mistakes they committed and asked if similar policy was followed in regard to higher officers.

*Ba Maung*, Burman Member, in his maiden speech, urged economy in Burma Railways and suggested abolition of unnecessary posts like the Superintendent, Assistant Superintendent for catering and advertisement. He added, "These do not require much brain and a costly staff" (laughter). He next advocated the appointment of Burmans in both higher and lower railway services in Burma, and preference being given to them in selection (applause).

*Sir Henry Gidney* said that the Railway Member had said that they had at last reached the rock bottom and hoped for the best. The speaker commented: "Hope deferred maketh heart sad, and railway budget based on hope is sure to be quite bad". Sir Henry Gidney said that the House had a right to demand an

answer to Mr. Ghuznavi's charges whether waste of twenty lakhs, occurring yearly in the past, was owing to the wrong policy. Then, again, the Railway Board was not playing fair to the B. N. Railway by shipping coal to M. and S. M. Railway. Why don't you use railway? Is not blood thicker than water? Would you not provide employment to so many unemployed and use your engines and wagons which are rusting? Continuing, Sir Henry said: "You started it for economy and efficiency. It has led to neither. Railways are not efficient; staff is multiplied and it has led to extravagance and lavish expenditure. So also your scheme of separation of audit from account has led to higher expenditure. You have not listened to the advice of the Retrenchment Committee. You have thrown into the waste paper basket the suggestion to amalgamate the head office administration of the E. I. R. and E. B. R. You keep two Chief Medical Officers one of whom is heavily engaged as Vice-Chancellor of the biggest Indian University. It is all, Sir, financial profligacy. It is high time that there were big cuts on the Railway Board (applause). All your retrenchment proposals are economy postponed." Sir Henry Gidney next advocated transfer of the strategic railway charges to the Army Department. He asked what had been done to safeguard railway servants from Kabuli money-lenders, and finally mentioned that they had been always told that the Railway Board consisted of experts. "If you are experts, why do you always cry out for 'experts' (applause). Hereafter you will also ask for experts to enquire into injury to railway profits by bullock carts (renewed laughter). Sir, you want in the Railway Board not Agents but men with business experience. Take some members from this House or other businessmen, Sir Joseph Bhore would find that his budget is balanced all right (applause)"

Mr. *Thampan* urged that Civil Disobedience movement and depression were not wholly responsible for lowering earnings of railways. Yet there was top-heavy administration cost, which should be lowered to make railways pay.

Mr. *Sitarama Raju* felt that wiping of reserves, contribution from the Depreciation Fund, borrowing with a view to make ends meet, and yet saying that the position of railways was sound was like the war phraseology "all quiet on the western front". He wanted Government to state in what shape the Depreciation Fund was, and how it was employed.

Sir *Joseph Bhore*, replying to the debate, had to repeat arguments used in the Council of State on the 18th. He assured the House that rates and fares would not be allowed to stand at the figures where law of diminishing return would operate. It was natural for them to expect that Government should assist the industries by preferential rates but they could not at the same time ask the department to be run commercially. The Commerce Member welcomed Dr. Ziauddin's change of position from that of destructive to a constructive critic. As regards Mr. Ghuznavi, the speaker had always understood that coal generates heat (laughter). Government had issued a circular that in future tenders should be called for raising coal (applause). There was no basis for the change of freight and surcharge had increased import of foreign coal as it had fallen from 39,000 tons in 1931 to 8,000 tons in 1932.

The House at this stage adjourned.

## VOTING ON RAILWAY DEMANDS

### RAILWAY BOARD GRANT

**21st. FEBRUARY :—**The Assembly met to-day to consider the vote on railway demands for grants. The first demand for railway grant was for the Railway Board.

Mr. *A. H. Ghuznavi* moved for abolition of the Board by suggesting a cut of the grant to Re. 1. Raising the question of policy and administration of the Board, Mr. Ghuznavi levelled an attack for the failure of railways to accept the lowest tenders in the matter of coal purchase. He asked, whether it was not a fact that until last year when he raised the question in the House that the Railway Board were blissfully ignorant of the fact that there was no regular tender system and at any rate no lowest tender was accepted and it was as a result of his disclosures that lowest tenders were accepted leading to a saving of twenty lakhs of rupees. He criticised the high rate now prevailing in the carriage of coal by rail and showed how cheaper it was to carry coal by the sea. He objected to the introduction of the crew system in order to provide a field for the sale of the Hayman-Mahendra punch and drew attention to the fact that as soon as a number of pun-

ches available was sold the crew system was abolished. Mr. Ghuznavi argued in favour of the amalgamation of the East Indian and Eastern Bengal Railways and suggested amalgamation of medical services in the railways.

*Mr. S. C. Mitra* drew attention to the enormous increase in the Railway Board expenditure and wanted its Indianisation. He asked that if the work of big departments like the Home Department could be managed by a Member, a Secretary and a Deputy Secretary why should the Railway Department be allowed to have a bloated strength. Mr. Mitra, continuing, contended there must be some decency in the circular that the Government sent out which showed Indians as helots in their own country by emphasising the need for non-Asiatic recruitment for best railway services. He said railways had hopelessly mismanaged collieries and complained against the behaviour of Anglo-Indian employees towards third class passengers and also against inadequate space in latrines in which a man like Sir Henry Gidney could not enter. Mr. Mitra held that the Railway Board was a sham and should be abolished as the Agents really run railways and could be responsible to the Railway Member through ordinary Secretariat channels.

*Mr. Lalchand Navalrai* supported Mr. Mitra's plea against the Railway Board whose uselessness was proved by the fact that any complaint made against the railway administration was referred to the railway agents who had already decided on the subject.

*Sir Henry Gidney* complimenting Mr. Ghuznavi said, it was due to his criticisms that there had been a saving of twenty lakhs in coal contracts. The speaker referred to the separation of audit from accounts and said that at the time of separation a statement was made that the result would be no additional expenditure but economy. The speaker asserted that the result of separation had been an additional expenditure of twenty lakhs. He urged unification of railway systems, specially of those having the same termini like the East Indian and Eastern Bengal Railways in Calcutta, also abolishing the railway stores department by handing over the work to an Indian department.

*Mr. S. C. Sen* confessed he was interested in coal trade. Perhaps Mr. Ghuznavi had no personal interest but at one time he was a director of companies and the speaker would like to know whether he paid for shares to qualify himself. Mr. Sen said that the saving made by the Railway Board through coal purchase was not due to the public-spiritedness of Mr. Ghuznavi, but because of the extreme depression of coal trade and fall in prices of select coal which used to sell last year for Rs. 2-10-0 and now sold at Re. 1 or Rs. 1-4-0. Mr. Sen further contended that railways had promoted public interest and saved coal trade by their policy regarding railway collieries. (A voice: What about tax-payers?).

Mr. Sen: Are not we tax-payers? Does Government give protection to industries in consumers' interest or in the interest of trade?

The House rose and adjourned till the 23rd.

**23rd. FEBRUARY:**—*Mr. N. M. Joshi* analysed the revenue figures to show the average return on third class and first class seats. He pointed out that the former brought profit and the latter dead loss. He urged that more money should be spent for comforts amenities of third class passengers and first class seats should be abolished, as in India few people can travel first class.

*Mr. K. C. Neogy* pointed out the wide difference between the recommendations of the Acworth Committee, regarding the Central Advisory Council and the constitution and functions accorded to that body presently with the result that there was no touch between the railways and their customers, the public. He also complained that the Rates Tribunal was neither cheap nor expeditious as the Acworth Committee intended it to be, nor yet it was a Tribunal but only worked in an advisory capacity.

*Mr. B. Das* contended that the Railway Board had been telling them "lies for seven years that there were no surplus of railway stores." How have they now been reduced when the Indian Financial Commissioner and the Indian Member had taken charge? "What we want is Indian spirit." He warned Sir Joseph Bhore that those men, who were behind prisons, when they came out would not tolerate the Statutory Railway Board deciding the fate of 800 crores, through foreign engineers holding guaranteed appointments.

*Sir Joseph Bhore*, replying to the three days' criticism of the railway policy and administration, regretted the fact that it had been nothing but a replica of general discussion and thereby the House deprived itself of raising issues. If Mr. Ghuznavi



had intended to pass an indictment on the present administration by his speech on the coal purchase policy, then it had singularly failed, for even assuming his figures to be correct the Board had, by adopting his advice, saved twenty lakhs of rupees. As for the carriage of coal by sea for use by M. and S. M. and S. I. Railways, Sir Joseph Bhore informed that the Board had itself raised the question and hoped to see a change in the existing practice next year, so that coal would be carried by train instead of by sea. These companies were at full liberty to choose whichever route they liked. The Board had succeeded in inducing the S. I. Railway to accept a suggestion by which the bulk of their coal would be carried by law, even though it might mean some loss. The Railway Member also explained how he himself had been looking carefully into every tender before final orders were passed. He said: "This is the first year that I have anything to do with this rather important transaction, and I can assure the House that a result of scrutiny by the Chief Commissioner, the Financial Commissioner, and lastly by myself the original proposals were in some cases modified. But you will realise that in this matter the Board must follow the advice of expert. What we do is to ensure that the price is low and capacity of the tender to fulfil the contract is there, and his past service was good. This shows that we do not blindly accept tenders submitted before us, or that there is any undue influence allowed to prevail." As for Indianisation, Sir Joseph Bhore explained that in respect of all new entrants the principle of 75 per cent. Indianisation was followed scrupulously. In fact on the State-managed railways the proportion had gone up from 18 per cent of Indians in 1925, when the principle was introduced, to 36.9 in 1931. In superior ranks they did not make appointments on racial or communal basis. To the charge that the question of communal representation had been disregarded, Sir Joseph Bhore explained the difficulties and affirmed that he for one would not be a party to any deliberate supersession of the existing incumbent merely to suit the claims of a particular community, because that would be to introduce a principle which would result in destroying the morale of service (applause). Alluding to Mr. Joshi's observations on the M. and S. M. Railway strike, Sir Joseph Bhore publicly paid tribute to the work of the Citizens' Committee, whose finding was accepted by Government, namely that the Agent was not responsible, either in letter or in spirit. On the question of other matters concerning labourers, the Board would have the opportunity to discuss with representatives of the Railway Federation. Sir Joseph Bhore complimented Mr. Neogy for restrained criticism, and promised to convene meetings of the Central Advisory Council, whose meetings would be more numerous, and he hoped, also more regular. He was anxious that the Board should establish a contact between the Railway administration and public opinion. Now that he had proved that those who came to scoff remained to pray, he urged Mr. Ghuznavi to withdraw the cut.

The House at this stage adjourned.

#### RETRENCHMENT IN RAILWAY BOARD.

**24th. FEBRUARY :—***Mr. S. C. Mitra* moved a cut of Rs. 1,50,000 to-day under 'Railway Board' to raise a debate in favour of a reduction of the number and salaries of the higher staff of the board. The speaker asserted that there should be no board but that the work should be conducted like other departments of Government through a secretariat. In this he was backed by the Ackworth Committee, which, he said, had recommended a chief commissioner, a financial commissioner and the creation of three commands. The Railway Board was after all only a co-ordinating agency of the real work carried by Agents. He would not object if the directorate was enlarged with a reduction of the number of members by one. Mr. Mitra also urged a reduction in the pay of officers, specially through Indianisation. He claimed that in the process of Indianisation the board was deliberately putting impediments. The speaker was even prepared to give weightage to Anglo-Indians, but he strongly objected to the monopoly of any particular community in the services.

*Sir Joseph Bhore*, explaining how the work was distributed among the members of the board, pointed out that they had gone further than the recommendations of the Ackworth Committee or even the retrenchment sub-committee. He made it clear that the board was not merely a co-ordinating authority as was believed by a few, but one which dealt with large questions of policy. The substitution of a director for a deputy director did not mean an expenditure of more than Rs. 300. Dr. Ziauddin himself had admitted in his report of the retrenchment committee

that he was satisfied that there was no further room for economy in the expenditure of the board. Proceeding, Sir Joseph Bhore referred to the question of the salary of future entrants in the railway services and said that the promulgation of rules would not be long delayed and when published it might be found that the principles on which they were based would not differ very greatly from the principles which Dr. Ziauddin had enunciated. Sir Joseph Bhore, concluding, assured the House that every effort towards economy would be pursued consistently with efficiency.

*Mr. Mitra* withdrew his motion but he thought that there was no need for one member in the Railway Board for each railway subject.

#### ECONOMY OR SPECIFIC GRIEVANCE

*Sir Henry Gidney*, who moved a cut of Rs. 48,000, said that the Railway Board had retrenched one member of the board, but instead of retiring the member had posed him as acting Agent of the E. I. Railway and thereafter as agent of the E. B. Railway, thereby depriving both the Indian and European senior officers of those railways of a chance promotion. The E. B. Railway Agent's appointment was held by an Indian official with an excellent record of service, and he was forced to go on leave. Sir Henry also mentioned that a circular had been issued by the Railway Board that persons in ministerial or higher ranks would not be kept in service beyond the age of 55 unless it was difficult to find a successor.

Sir Henry Gidney's motion was put and negatived.

#### REDUCTION OF RAILWAY BOARD DIRECTORATE

*Mr. B. Das*, through a motion for a cut of Rs. 20,000, urged the abolition of two directors and two deputy directors of the Railway Board. He complained that the Commerce Member had not properly applied his mind to effecting economy; otherwise he would have had no need of moving his cut.

*Mr. P. R. Rau*, Financial Commissioner for railways, referred to the recommendations of the railway retrenchment committee and said that in 1930 the total number of posts on the Railway Board was 19, while in 1933-34 there were only 14. That was to say, there was one director and Rs. 10,000 more expenditure than what was proposed by the retrenchment committee. The Government had decided to do away with the director of civil engineering, but subsequently they found the work of the engineering branch going to the chief commissioner and ultimately decided to revive the post. It was according to the recommendations of the retrenchment committee that the post of deputy secretary was abolished. The Government subsequently converted the senior superintendent's post into that of the assistant secretary without any additional cost.

After *Mr. S. C. Mitra* and *Dr. Ziauddin Ahmed* had supported the motion it was defeated by 18 votes to 48.

#### MUSLIMS IN RAILWAY SERVICES

*Mr. Maswood Ahmed* moved a cut of Rs. 100 to draw attention to the paucity of Muslims in the railway services. *Mr. Ahmed* contended that the Muslim representation on railways had been on the decrease yearly for the last three years. As *Mr. Ahmed* said that he would take an hour to make out his case, the House adjourned at 4 p.m. to enable members to join the Viceroy's garden party.

**25th. FEBRUARY :—**Resuming his cut motion to-day *Mr. Maswood Ahmed* protested against the paucity of Muslims in the railway services and quoted figures of different railways, both State-owned and Company-managed and showed how they were under-represented and how their percentage since 1930 had been going down. Amidst cheer *Mr. Maswood Ahmed* cited figures pointing out that Muslims and Hindus were not getting proper share of the service in the railways but everything was going into the pockets of Europeans, Anglo-Indians and domiciled Europeans. He challenged that if education was to be the basis, Indians with high university qualifications far exceeded Anglo-Indians. He said that they had been kept on promises and only given toys.

*Sardar Sant Singh* supporting the motion complained that Sikhs were entitled to get about 13 per cent. in the services on the North Western Railway according to population but they were getting only about 8 per cent.

*Sir Joseph Bhore* assured the Government were honestly doing all they could on the subject but no specific action on *Mr. Hassan's* report was yet possible. The chief

reason of this delay was that Government were trying to devise a consolidated solution on the matter of communal representation generally which would be applicable to all departments of the Government and not only to the railway. In this connection he referred to the reply given by the Home Member a few days ago and hoped it would not be long before an early conclusion on the matter was reached. As for the Railway Service Commission, the Commerce Member said the suggestion was most important and the House should not expect any pronouncement from him at present. He hoped enunciation of certain principles which Government were formulating would remove all reasonable grounds for complaints.

*Mr. Maswood Ahmed* replying wanted equal justice for Muslims as well as other communities. He asked for leave to withdraw his motion.

*Mr. Amarnath Dutt* pressed for a division. However, when the cut motion was put it was lost. As it was already five, guillotine was applied and the list of demands was agreed to one after another. The House then adjourned till the 27th.

#### [CR. PROCEDURE CODE AMEND. BILL

**27th. FEBRUARY:**—Before further consideration of *Sardar Sant Singh's* Select Committee motion with regard to the Criminal Procedure Code Amendment Act was taken up to-day, *Mr. Lalchand Navalrai*, on behalf of *Sardar Sant Singh* who was absent, moved the withdrawal of the Bill altogether. *The President* pointed out that the Bill was already in the hands of the House and it could not be withdrawn without the House agreeing to it. As an alternative *Mr. Lalchand Navalrai* moved that the question be now put. *Raja Bahadur Krishnamachari*, *Mr. C. C. Biswas*, *Mr. Ramkrishna Jha* opposed while *U. Kywa Myint* supported. *Sir Brajendra Mitter*, on behalf of Government, stated that if it be the desire of the House that further consideration of the Bill be adjourned then the Government had no desire to stand in the way. He stated that the Criminal Procedure Code Amendment Bill was a very important one and was already debated upon considerably. Instead of postponing it, he would advise the House to cut short the debate and dispose it of as quickly as possible.

The House divided when *Mr. Joshi's* motion for adjournment on *Sardar Sant Singh's* Bill was carried by 29 against 23 votes. This was aimed at facilitating the introduction later of *Mr. Gaya Prasad Singh's* Anti-untouchability Bill.

#### Special Marriage Act Repeal Bill

*Raja Bahadur Krishnamachariar* next moved consideration of the Bill to repeal the Special Marriage (Amendment) Act and said that the late *Mr. Bhupendra Nath Basu* and *Mr. V. J. Patel* attempted without success in the pre-reform Council to pass the Bill and it was in 1923 that *Hari Singh Gour* succeeded in it. There were strong opposition to the measure at every stage. The cardinal principle of a legislation should be its demand from the public which in this case did not exist. The speaker said that inter-marriages had nothing to do with nationalism as stated in the statement of objects and reasons of *Sir Hari Singh Gour's* Act. On the other hand the caste system was the corner stone of Hinduism and those who did not believe in it might not trouble to call themselves Hindus. *Sir Hari Singh Gour's* Act struck at the root of the caste system. Proceeding, *Raja Bahadur Krishna-machari* maintained that there was no evidence that any large section of the country had taken advantage of the Act since its passage eight years ago. It was a blot on the legislature that such an imperfect and mischievous measure should be allowed to continue in the statute book. He urged repeal of the measure as early as possible.

*Mr. Badrilal Rastogi* moving circulation expressed the opinion that there would be no obstacle in the way of inter-caste marriages. In fact, hundreds of such marriages were performed every year. The best course was to circulate the Bill for eliciting public opinion.

Circulation motion was put to vote and rejected by 24 votes to 13. Thereupon the House again divided on the consideration of the main Bill to repeal the Special Marriage Act, which was rejected by 30 votes to 12.

#### Child Marriage Restraint Amend. Bill

*Haji Wajiuddin* then moved circulation of his Bill to amend the Child Marriage Restraint Act. *Mr. Wajiuddin* by his Bill wanted exclusion of Muslims from the operation of the Sarda Act. He contended that the Act was a restraint on the



freedom of the people. Muslim religion permitted marriage at any time and therefore any restriction on the exercise of that liberty was opposed to Islam. The marriage under Islam was inviolable and a religious sacrament and not a mere social contract. He felt like moving consideration of the Bill for the exemption of Muslims from the operation of the Sarda Act but with a view to obtain Government support to the Bill, he moved for circulation. He would make the next motion for consideration or for the Select Committee only if the majority of Muslims favoured the Bill for the exclusion of that community. *Sir Mohamed Yakub* and *Shafee Daudi* supported the Bill, not because they supported early marriages but that they were opposed to any interference on the part of anybody in religious matters of any community. *Mr. Seetarama Raju* agreed with the previous speaker.

*Sir H. G. Haig*, Home Member, said that Government had lent their support to the Sarda Act not with any wanton desire to interfere with religious practices or beliefs of any community but because it was believed that this Act would be a step in the direction of dealing with what was felt to be a serious social evil. It was felt that it would tend to alleviate human suffering and promote welfare of the race. As for Muslim objection the Government had no desire to under-estimate it but he thought, it was not unreasonable that Muslims should be asked to consider the Sarda Act as a measure of social reform and not one which trenched on practice of their religion. If, on account of certain material reasons, economic considerations and family difficulties it might be desirable in exceptional circumstances that early marriage should take place, then there could be only one answer, that was the consideration which led to the passing of the Sarda Act and outweighed any exceptional inconveniences. The Act was essentially a general law and it could not be treated as communal law. Once that position was accepted, the objection to the Act would disappear.

*Sir Abdulla Suhrawardy* expressed great disappointment with the Home Member's speech and said it now suited the Government purpose to talk of humanity and India as a nation. Would the Government accept India as a nation and not consisting of warring communities when they discuss constitutional matters? It was true, Islam did not enjoin child marriages but so also it did not enjoin polygamy. "Will the Government bring a Bill to abolish polygamy." *Sir Abdulla Suhrawardy* warned the Government that Muslims have not been seduced by civil disobedience but if this is Government treatment, they might be seduced. He added; "You may have pleased Miss Mayo and Americans, but this Bill is a source of great tyranny and oppression."

The speaker was constantly interrupted by cries from the orthodox members that the House should adjourn. Thereupon the Chairman adjourned the House.

### Financial Statement for 1933-34

**28th. FEBRUARY :—***Sir George Schuster* presented to-day to the Assembly the Budget for 1933-34. It was the last Budget of his five years' term. He proposed neither relaxation in taxation nor fresh taxation. He said: "The story I have to tell this year is simple and viewed as a matter of public finance satisfactory."

Alluding to the 5 per cent cut in salaries he said that the cost to the Government would be 108 lakhs, but 53 lakhs would be recovered through income-tax surcharges.

The Finance Member budgeting for a surplus of 42 lakhs for 1933-34 said that as the future was still dark with uncertainty, the plan of September 1931 must stand. He accordingly proposed no remission of taxation.

He explained the slight changes on duties on boots and shoes and artificial silk goods and announced that the Government proposed from 1st July 1933 to re-impose the stamp duty on cheques at the request of provincial Governments by yielding them 7 lakhs of which the main portion would go to Bengal and Bombay.

Concluding the Finance Member said: "When I first took office, though the rest of the world was still booming, it became apparent to me very early that India was faced with special difficulties and was destined for a period both of constitutional uncertainty and of borrowing to meet past commitments which would inevitably reduce her credit. But to-day we have recovered from all that, and I think we may feel that India has reached a position in regard to her public finance which challenges comparison with that of any other country".

		Rs. in Crores 1932-1933	Revised Estimates	Rs. in Crores 1933-34
Revenue	...	129.96	127.13	124.52
Expenditure	...	127.81	124.96	124.10
Balance	...	2.15	2.17	.42

## SUMMARY OF RESULTS FOR 1931-32 AND 1932-33

Let me briefly summarise the position. The results for the year 1931-32 turned out to be nearly two crores better than I anticipated in my Budget speech last March, and the accounts for the year showed a deficit, after providing nearly 7 crores for Reduction of Debt, of  $11\frac{3}{4}$  crores.

For the current year (1932-33) our latest revised estimates indicate that our Budget forecast of a surplus of 215 lakhs will be almost exactly realised, and that the surplus—after providing again nearly 7 crores for Reduction of Debt—will be 217 lakhs. The results for the two years combined thus show a total budgetary deficit of 9.58 crores against which may be set the total provision made for Reduction of Debt of 13.73 crores. We may therefore say that in the two years from April 1, 1931 to March 31, 1933, which I think may be fairly described as the two most difficult years for public finance that the world in times of peace has ever known, we shall not only have paid our way but have provided a net sum of 4 crores 15 lakhs for the Reduction of Debt. I think that this result is one which is a legitimate cause for satisfaction, and which amply justified the great improvement in the credit of the Government of India which the recent rise in our security prices has shown.

## INTERESTING COMPARISONS

It is interesting to make a short comparison between these results and the forecasts which I gave when I introduced the emergency plan in September 1931. We then anticipated, after allowing for the normal provision for Reduction of Debt, a deficit of 10.17 crores for 1931-32 to be followed by a surplus of 5.23 crores for 1932-33, and that the net amount available for the Reduction of Debt in the two years, after allowing for the deficit on the combined results, would be 9.11 crores. As I have just shown, we now anticipate that the net figure available for the reduction of debt will be 4.15 crores, so that we are about 5 crores below our original estimate for the two years. As the combined amount involved in the two years is about 260 crores on each side of revenue and expenditure, I think we may claim that our forecast showing a variation of only 2 per cent from the result was, considering the complete instability of the time, fairly near the mark.

It is also interesting to examine where the main differences from our estimate occurred. Revenue for the two years is 10.42 crores less than was forecasted, but expenditure was also less than the estimates by 5.78 crores. The reduction in expenditure is accounted for largely by savings in interest charges owing to the improvement of Government credit and the cheaper money conditions which have supervened; but there has also been a realisation of administrative economies beyond what we felt safe in hoping for last year. I shall deal later in greater detail with the position as regards expenditure, but Honourable Members will, I feel sure, regard it as satisfactory that the figures for these two years should show such a substantial reduction as compared with our estimates.

## GOLD EXPORT AND BALANCE OF PAYMENTS

I must now turn to another broad aspect, the position as regards the balance of trade and of payments. With exports for the 10 months at  $110\frac{1}{2}$  crores and imports at  $112\frac{1}{2}$  crores, India has a slight adverse balance of trade in merchandise. As in the last months, however, the tendency has changed, and there has been a reduction in the adverse margin, one may not unreasonably anticipate that the year will end with an even balance. But owing to India's large "invisible imports"—mainly represented by external obligations—an even balance of trade in merchandise falls far short of giving us an even balance of payments, and therefore India could not support the present volume of imports without very embarrassing results unless the position were being helped by some other factor. That factor in the present case has been, as Honourable Members well know, the export of gold. I do not propose to give a mass of figures illustrating this aspect of the matter now, because I dealt with it very fully in a speech at the Ottawa Conference which I believe most

Honourable Members have seen. The broad fact is that India could not with exports at their present level support the present volume of imports simultaneously with meeting her external obligations unless they were supplemented by gold exports. What is happening now may be put in two different ways, either that part of India's consumable imports are being paid for in gold, or that gold sales for providing the means to meet external obligations, and as I shall hereafter explain, to accumulate reserves in external currencies. The truth really is that what is happening is a combination of the two processes, for it must be remembered that so far as concerns the individuals who make up the mass of producers of goods for export and consumers of imported goods, they have to pay for the latter with customs duties added, and as customs duties on the 112 crores worth of goods imported for the 10 months of the current year amount to 38 crores, one may say that the exports to the value of 110 crores are being supplemented by gold sales in order to pay for goods at the imported value of 150 crores, so that 40 crores of the gold proceeds have been used to pay for consumable goods. To this extent therefore it may be said that India is helping herself to tide over a period of unexampled depression by drawing on her reserves of gold, and thereby avoiding reducing her consumption to the desperately low level which would otherwise be necessary. This, however, is by no means the whole story, and as there are many questions arising in connection with gold exports which have a vital bearing on the welfare of the nation, and as I know that Honourable Members take very great interest in it, I propose to deal with this subject again, as last year, at some length.

#### LEGITIMATE USE OF RESERVE

In the first place I know that there are many who regard what is happening as a dangerous process of living on capital. I think it fairer to regard it, as indeed I pointed out last year, as a process partly of exchanging one form of investment for another, and partly of tiding over a period of abnormal difficulty by drawing on reserve which had been accumulated in better times; reserves, moreover, which produce no revenue so that their depletion does not bring about any decrease of income. To that extent we have regarded the process as a legitimate use of reserves, which has on the whole been beneficial to the people. How long such a process can, without damaging the country, continue is another matter, but I must point out that so far as Government is concerned nothing that it could do could prevent individual owners of gold selling their gold and using the proceeds for investment in other forms or for the purchase of consumable goods.

There is, however, another beneficial aspect of the process to which I think it important to direct attention. I have already commented on what is the worst feature of the present world situation, namely, that practically every nation to-day in order to preserve its balance of international payments has been forced to put artificial restrictions on its imports, by way of high duties and exchange restrictions. This is checking the flow of international trade, so that its channels are gradually becoming completely dry, and is the main evil from which the world to-day is suffering. We ourselves by increasing our own import duties have done something to add to the evil, but if the flow of imports into India had not been helped by the exports of gold the case would have been very much worse. India in fact has been able to release into the world a commodity for which alone there is an undiminished market and the possession of which, if it is used as a basis for currency, does not diminish but rather increases the purchasing power of the countries which absorb it. By doing so India has been enabled to take more imports and thereby in this second way also to increase the purchasing power of her own potential customers. This last point indeed must always be borne in mind, for we cannot restrict our own imports without weakening the market for our exports of merchandise.

#### BARREN GOLD RESERVES

There is still a third point on the credit side of the account to which I must call attention. The proceeds of the gold which have been sold have only to a limited extent been balanced by purchase of consumable commodities. A great portion has undoubtedly been invested. The increased demand for Government securities affords general evidence of this and that the process has been widespread and not confined to the richer classes can be very clearly seen from the figures of Post Office cash certificates and Savings Bank deposits. The figures here are most striking. Making very conservative allowances for what we shall get in the last two months of the year, we estimate the net investment in Post Office cash certifica-



tes this year at 10 crores and the net addition to Savings Bank deposits at 4.35 crores. Both these figures greatly exceed any previous record, and I may point out that the figure of 10 crores for Post Office cash certificates compares with average net receipts of about  $2\frac{3}{4}$  crores annually for the period from 1917, when these certificates were first started, until March 21, 1931. Moreover, the high figure for this year follows on the exceptionally high figure of 6.15 crores for net receipts last year. These figures therefore clearly show that proceeds of gold sales have been converted into investments by the poorer classes, and although the Indian habit of accumulating reserves of gold has stood the country in good stead in the present crisis, I feel forced to regard it as a beneficial advance that the exceptionally high price of gold in rupees should have started a process of exchanging barren gold reserves for interest-bearing Government securities as a form of investments. If only the process is kept in proper channels, and the people of India are not misled, as the people of the United States were in the post-war boom, to putting their savings into wildly speculative investments, the result must in the long run be of great benefit to India.

But I must now turn to another aspect of the matter. There may be some who would agree that there is some truth in what I have said up to this point, but who have an uncomfortable feeling that the country is being weakened by the process, and that Government if they had adopted a different policy could have prevented this weakening. Such people argue that, even if we could not prevent private individuals who wish to do so from selling their gold, Government ought to have acquired it for themselves and thus have prevented it leaving the country. I shall deal later with the criticism of Government policy. For the present I am only concerned with presenting an account of what has actually happened, and I think that Honourable Members will find the account interesting. I propose to take the period of 15 months from the end of September 1931, just after England went off the gold standard, up to December 31, 1932, and shall endeavour to put the position in the simplest possible form.

Therefore whether the position is viewed from the side of public finance or private investment, it is clear that to a very large extent the gold exported does not represent a drawing on reserves, but merely the conversion of one form of reserve into another. Apart from this, as there are some who, while not criticising what has happened so far, consider that the process of so-called drawing on reserves has now gone far enough, I wish to remind the House that even though the amount exported have been very large, the figures are still small in relation to India's resources. The fact that the published figures are given in values tends to give an exaggerated idea, because, of course, gold now stands at a premium of about 30 per cent. If we look at the statistics of the weight of imports and exports the strength of India's position is extraordinarily striking. From September 1931 up to the end of December 1932 India had exported slightly over 14 million ounces of gold. As compared with this the imports between April 1926 and September 1931 exceeded 15 million ounces; so that, in spite of the enormous amounts hitherto exported, we are not yet back to where we were in April 1926. If we go further back the results are still more striking. The net imports from April 1922 to March 1926 exceeded 28 million ounces, and this means that India can go on exporting gold until the total quantities have risen to three times the amount of what has already been exported and still have more gold in hand than she had eleven years ago.

So far, therefore, regarding the whole position of India as a single interest and considering the vast size of the accumulations of gold which exist, it cannot be said that there has as yet been any dangerous depletion.

#### ECONOMIC SURVEY

I am afraid that my argument as to Government's policy as regards gold exports has led me into something of a digression from the review of India's economic position which was my main purpose at this stage.

I may now sum up my own conclusion on that review. For my own part, the main impression gained by a study of what has been happening during these last two years of terribly difficult times is one of admiration and wonder at the way in which India and her people have adjusted themselves to the emergency. The more highly organised Western nations may well take lessons from her in this respect. While I have commented on the enormous decline in the demand for India's export products, it is a remarkable fact that this has not yet led here, as in other countries, to the piling up of unmanageable stocks which form both a source of weakness to

the country that holds them and a menace to the rest of the world. The diversity of cropping in most parts of India has led to a comparatively quiet adjustment to changed conditions without elaborate schemes for restriction of production, or dangerous experiments for using public funds to finance surplus stocks. The striking restriction which was effected after the 1930-31 season in the jute area of Bengal is well-known, but in the case of cotton also an adjustment has taken place aided partly by short crops and partly, though only to a regrettably small extent, by increased consumption by Indian mills of Indian cotton. To some extent, in certain cases such as sugar, Government policy has helped the agriculturalists to find profitable alternatives in money crops. Linseed is another important alternative crop for which possibilities of an increased outlet have been opened up by the Ottawa Agreement. In this case a fairly substantial increase in the area sown had been undertaken before the Ottawa Agreement was implemented, and the preference now secured in the British market may justify a further increase. Groundnuts, again, have provided another alternative outlet, and this crop has become in Madras a moneycrop of first rate importance, and is becoming an alternative crop to cotton of growing importance in Bombay and Berar. Where export facilities have been lacking for a particular crop and alternative export crops have not been possible, there has been a spreading over into miscellaneous crops for local consumption. In the case of Bengal, where the main reduction in the jute area occurred before last year, it has been possible to examine conditions fairly closely, and there the alternative crops were mainly rice, maize, millets, smaller pulses, and to some extent sugarcane. It is difficult to trace exactly the complete economic effect of these adjustments, but one conclusion is probably justified, and that is that the poorer classes and particularly the wage-earning classes whose wages have not been reduced proportionately to the fall in values of local food produce, are at present being better fed than ever before. Thus some advantage at least is gained.

If one turns to the other side—the side of consumption—one gets the same impression of comparative stability, for here the power to draw on reserves has, as I have explained, resulted in a remarkably steady maintenance of consumption, in spite of increased duties, of the main necessities of the masses. Simultaneously with all this the figures show a striking increase in investment by the poorer classes.

The result of this survey has seemed to us to justify the assumption for the purposes of our estimates that general conditions as regards consumption of dutiable articles may be expected, even without a striking world recovery, to remain fairly constant next year. But having stated this assumption it is necessary to add a note of warning. Neither the process of drawing on reserves, nor that of agricultural adjustments, can be continued indefinitely. As to the latter point, seeing that the contraction in export demand applied to practically all our export crops, the range of adjustment is comparatively narrow, and, if a further fall in purchasing power is to be avoided or minimised determined efforts are necessary both to make the most of every possible export outlet for our produce, and to supplant by local production imports of such articles as long staple cotton.

Further, in regard to both points, India remains as deeply interested as any other country in efforts to promote international co-operation and the recovery of the world trade. If the present low levels as regards both prices and world demand for agricultural products were to become stabilised, very serious problems would have to be faced and it would be necessary for those responsible for governing India to take stock again of the whole position.

#### CIVIL EXPENDITURE, 1933-34

Turning to the estimates of expenditure under these civil heads for next year, I am glad to be able to report a still further improvement. As compared with the current year with its budget estimate of 20,65 lakhs and the revised estimate of 20,89 lakhs, that is to say, a reduction of 36 lakhs on the current year in spite of the following facts: first, that we have allowed for reducing the cut in pay to 5 per cent, thereby incurring extra charges of 28 lakhs on these particular civil heads, secondly, that we have to meet the normal increments in time scale pay which still involve an annual addition of something like 15 lakhs, and thirdly, that we have to meet new obligatory expenditure amounting to about 17 lakhs, the nature of which I shall shortly explain. If all these items are taken into account it will be seen that the total of the net reductions otherwise effected under the normal heads of expenditure amount to no less than 96 lakhs. Honourable Members may say that they are not concerned with this figure but only with the saving of 36 lakhs actually effected,

but I have given these explanations in order to show how we are continuing the retrenchment effort and what a constant effort is required "merely to prevent expenditure from growing."

### MILITARY EXPENDITURE

When I turn to the provision for the Military or Defence Budget the results are, equally, or even more, satisfactory. For the current year (1932-1933) allowing for the full effects of the 10 per cent cut in pay, the net budgetary allotment was 46.74 crores. For next year the net expenditure provided for in the estimates, after allowing for an extra charge of 52½ lakhs due to the reduction in the cut in pay to 5 per cent. is 46.20 crores. That is to say, although the pay bill is increased by 52½ lakhs the net expenditure is to be reduced by 54 lakhs. The further economies made therefore in other directions amount to 106½ lakhs.

It is necessary of course to point out that the provision now made is cut very fine, and that to some extent the reduction in expenditure progressively effected over the last five years is due to the fall in prices of commodities which the Army has to buy. The difference between commodity prices as taken for the present estimates, and those prevailing in 1928-29, represent a saving on the whole budget of about 1 crore. If prices were to rise again, as is the general interests of the country one must hope they will, obviously under this head charges would increase.

I must also point out that this budgetary provision includes no margin for unforeseen expenditure, or for the continuance of the re-equipment programme which was laid down in 1928 and which is still being financed (to the limited extent which is possible) from reserves accumulated under the stabilised military budget system which was then inaugurated.

Nevertheless, while these facts must be borne in mind, I cannot but feel that the reduction in the net military budget from 55.10 crores (including the Territorial Force grant) in 1929-30 to 46.20 crores in 1933-34 is a very satisfactory achievement. There are some ungenerous critics who, when they see large savings effected in public expenditure, are inclined to say that. That only indicates how extravagant was the original provision. I must indeed confess that I make it my business, as Finance Member, to be perpetually telling the spending departments something very much on these lines. But, in the case of the economies effected in the last two years by the officers of the Army from the highest downwards, I know that a great part of their work has been, not the elimination of unnecessary or wasteful expenditure, but the giving up of cherished schemes destined to increase the efficiency of the Army or the amenities for the troops. They have given them up without rancour because they recognised the greater urgency in the public interest of preserving financial equilibrium during these critical times, and they have for this reason been whole-hearted co-operators with the Finance Department in a task which I know has been most distasteful to them. The public interest can never properly be served without such co-operation. What I say of the Army is equally true of the other departments, and I hope that this Assembly will not deem it unfitting that I should take this occasion of expressing my gratitude to them for the part which they have played in our common effort to restrict public expenditure.

### EXPENDITURE POSITION: SUMMARY

The net result is that as regards the two main fields of administrative expenditure—the Civil heads, excluding expenditure on Commercial departments and Debt services, and the Defence budget—the budgetary provision for next year comes to a total of 66.73 crores for the current year. The total provision has thus decreased by 90 lakhs in spite of allowing for extra expenditure of about 80½ lakhs under both heads due to the reduction of the cut in pay to 5 per cent., and in spite of the normal and unavoidable growth of expenditure due to increases in the pension bill and to the increments accruing under the time scale system on salaries, which involves an increased provision next year of about 20 lakhs.

I would before leaving this subject like to remind the House that the expenditure in these two fields which stands for 1933-34 at 66.73 crores amounted in 1929-30 to no less than 78.82 crores.

The explanations which I have now given show in what respects, our estimates for next year must differ from the revised estimate for the current year, although as I have explained, we have adopted as a foundation for next year's estimates the assumption that the general conditions of the current year will be repeated.



I may summarise the position as follows :—

	Rs. Better	lakhs Worse
Revenue—		
Customs—(Reduction due to fall allowed for in imports of sugar and cotton piecegoods)		1,04
Income-tax—(Increase due to removal of exemption from surcharge on Governments)	53	...
Salt—(Reduction mainly due to termination of temporary increase in receipts on termination of credit system)	...	1,63
Opium	25	...
Finance heads—Net change including additional expenditure of 1 on account of part restoration of cut in pay		
Commercial departments—Net revenue	...	11
Miscellaneous—(Reduction of 30 due to no provision being included in next year's estimates for Gain by Exchange)	...	4
Expenditure—		
Military—		
Civil heads.—		
Net reduction effected in spite of part restoration of pay cut costing 79½ lakhs under these heads as compared with the revised estimates. This net reduction together with the reduction of 5 under Irrigation and Currency and Mint taken on the revenue side gives a total reduction of 90 as mentioned in para 61)	85	
Total	163	338

As a result of the changes thus summarised the net deterioration for next year is estimated at 175 lakhs, and thus the surplus of 217 lakhs shown in the revised estimate for the current year will be reduced to a surplus of 42 lakhs.

#### BUDGETARY PROPOSALS 1933-34

These figures are arrived at after allowing for the proposals as regards pay which were announced in the communique of February 3, and without them we should, on the basis of the retention of all existing taxes, have shown an estimated surplus of 97 lakhs. That then is the position which I have to put before the House, and I must now explain what we consider to be the right policy in this position.

For the Central Government civil services, including the Posts and Telegraphs Department, but excluding the Railways, a restoration of the full cut in pay for twelve months would cost about 1,22 lakhs.

For the Army, taking the officers affected by our cut, it would cost 1,14 lakhs.

The considerations on which this proposal has been put forward by the Government of India are first, that it represents the maximum concession which the financial situation justifies, and secondly, that there are very strong reasons for going as far as the maximum which is justifiable. I do not propose now to go into all the arguments or anticipate what may have to be said hereafter in the course of debate. I can explain Government's position in this matter very simply as follows.

In the first place I must recall what I said when introducing the original proposals in September 1931. We hoped then that the emergency with which we were called upon to deal was a temporary one, or at least that the degree of intensity which made the imposition of these extreme measures necessary would have passed by March 31, 1933. The cut in pay was thus definitely intended to be merely a temporary measure justified only by an extreme and, as we hoped, temporary emergency. It was essential to make this purpose clear, and I therefore stated as one of the main conditions that the cut.

"should be of a temporary nature not extended beyond the need of the present exceptional emergency. Its justification is in the need for a common sacrifice in a national emergency."

Further, in summing up the position, I again said:

"It must be clearly explained that there is no intention that they should remain operative beyond March 31, 1933. They will not be continued beyond that date without further examination of economic condition....."

We have acted exactly in accordance with the intention thus indicated. We have very carefully reviewed the economic conditions, and we have arrived at the definite conclusion that while we can take the risk of making some reduction, nevertheless an emergency continues sufficient to make it impossible to restore the whole of the cut. That, then, is the first point which I must make, namely, that we regarded, and still regard, the cut as a temporary measure.

The second point is this, that we regarded a cut in the fixed pay of Government officers as an extreme measure only to be taken in the very last resort after the efforts of all other feasible measures for dealing with the situation had been exhausted. Obviously a measure which is thus only justified in the last resort ought to be the first to go when any relaxation is possible. On this point also I made our purpose perfectly clear in September 1931. I said, after expressing the hope that it would be possible in 1933 to relax the emergency measures.

"It is perhaps forecasting events too much to say in what order these reductions should be made. But there are certain principles which we consider must be observed. Relief must come first in restoring the emergency cuts in pay and secondly in taking off the surcharge on the income-tax now to be imposed."

Therefore on this point also we are acting in accordance with our declared purpose.

Having explained the considerations which guided us in making our proposals about the cut in pay, it will be fairly obvious to Honourable Members what our general policy in other matters must be. We have treated the restoration of the cut as our first objective, and the tentative step of partial restoration which we have proposed represents the limit to which we think it safe in present circumstances to go. Otherwise the whole carefully balanced framework of the financial plan which we introduced in September 1931 must in our view remain undisturbed. The position is sound; the plan has worked and proved equal to the emergency; budgetary equilibrium has been restored. But the future is still dark with uncertainty. Some of us may feel hopes that an improvement is coming. But one cannot make budget estimates or frame financial policy on hopes. We are materially better off than we were in September 1931 in the sense that we have got the measure of our difficulties and proved that our structure is strong enough to stand up against the storm, at least as hitherto experienced, but there could be no more fatal folly than to weaken that structure before the storm is over, and thus jeopardise all the success which has been achieved.

We therefore think that the structure must, at least until things are clearer, remain unaltered, and I have accordingly no remissions of taxation to propose.

We have considered very carefully whether in any cases of customs duties a point of so-called diminishing returns has been reached, but I am quite satisfied that there is no class of ordinary imports in regard to which a reduction of the duty would so stimulate the demand as to produce an increase of revenue. I have little doubt that in the course of the budget debate questions of this kind will be raised, and I can defer a statement of the evidence in regard to any particular item until then. We have given special consideration to two very high import duties, those on silver and sugar. As to silver, it might perhaps be argued with greater force than in the case of any other article that a reduction in the duty might stimulate consumption or at least that, as we are recovering so little duty now, we could afford to risk the experiment. If revenue were the only consideration there is doubtless a good deal in the argument. But we had to take other considerations also into account. The internal price, which affects many classes in India, depends on the rate of the import duty, and any lowering of that would have a disturbing effect. On the whole we thought it to be in the public interest not to introduce disturbing factors of that kind just now.

In the case of sugar it is essential to remember that the present rate of duty is substantially higher than the maximum protective duty recommended by the Tariff Board. It is conceivable that a lowering of the duty might in this case stimulate imports of foreign sugar. But just at this moment many new factories are being started and for that reason one must hesitate to make any sudden change. On the other hand it would be highly impudent for those who are investing money in the sugar business to forget that present conditions are more favourable than those on which, according to the recommendations of the Tariff Board, they have any right permanently to rely. For this reason a due proportion of the profits that are earned on the present basis ought to be accumulated as reserves, for no right can become established to a continuance of the present position.

As regards Taxes on Income, we deplore as much as anybody the necessity for a continuance of the present rates, but all that we can promise, and this we do most sincerely, is that they will not be continued longer than is necessary and that all our efforts will be directed to keeping down expenditure, and to preparing in other ways for a lightening of this particular burden.

#### LOANS

In my last budget speech I anticipated that it would be possible to reduce the amount of treasury bills held by the public by about  $7\frac{1}{2}$  crores from the current resources, and that we should not have to raise any loans during the year except to meet our maturing liabilities. I indicated, however, that if conditions were favourable we should take the opportunity by loan issue to strengthen our position and in particular to fund as much as possible of our floating debt. The continuous rapid improvement in our credit enabled us to float no less than one sterling and four rupee loans at rates which improved from over  $5\frac{3}{4}$  per cent. to something below  $4\frac{1}{4}$  per cent. The results of the latest conversion loan operation are not yet fully known, and when the estimates had to be completed early in February we could only work on guesses as to how much would be converted. For the purpose of the printed estimates we have assumed that Rs. 22 crores would be converted, and I have had to work out all my figures on this cautious assumption, though this amount had actually already been reached by February 21st. If I assume a higher figure, say, 30 crores, the position is that against an originally estimated discharge of permanent debt of  $26\frac{1}{2}$  crores during the year we shall be able to discharge nearly 78 crores, and in addition to reduce the treasury bill outstanding with the public by 19,53 lakhs as compared with our original estimate of 7,51. When the discharge of 'ad hoc' treasury bills, to which I have already referred, and the repayment of Ways and Means advances are included, this means that during the current year we shall have been able to fund immediate liabilities to the huge amount of 121 crores, as compared with a budget estimate of 34. The bulk of this has been converted into regular loans for which the obligatory maturities range from 8 years in the case of the first loan issued last year, to 37 years in the case of our latest conversion scheme.

#### CAPITAL EXPENDITURE

I shall have something to say in my concluding remarks as regards our general policy of Capital Expenditure and the possibility of expansion in the future. But whatever change in the direction of a more expansive programme we may hereafter feel justified in considering, it is not likely to have appreciable effects as regards expenditure in the coming year. For the purpose of the estimates we are including provision for Capital Expenditure of 330 lakhs on the Railways and 424 lakhs for loans to the Provincial Governments.

#### BORROWING PROGRAMME 1932-33

With this reduced capital programme I estimate that it will be possible to effect a further reduction of 8 crores in our outstanding treasury bills and still have approximately 17 crores available to meet our maturing loan liabilities apart from what we may obtain from fresh borrowing. This is clearly a very strong position. In making this estimate I have allowed for the possibility of drawing to the extent of about 11 crores on our sterling balance with the Secretary of State. Owing to the very large figure at which this balance now stands, such a reduction would be quite legitimate. Apart from this I have allowed only for receipts to the amount of 840 lakhs from savings bank and cash certificate receipts. This is of course very substantially less than the estimated figure of 14.35 lakhs in the current year. I have allowed for this decrease because of the reduction in the rate of interest to  $4\frac{3}{4}$  per cent but this form of investment has now so thoroughly popularised itself throughout India that it is not at all improbable that our budget estimate will be materially exceeded.

Exchange was very steady throughout the year, and large purchases of sterling were made from the middle of August. The estimated purchase for the year are approximately thirty-nine million pounds. In addition, £715,000 was taken over the Calcutta Port Trust, being the balance of a sterling loan floated by them. Our requirements for the year were £24 millions so that the balance of approximately £15½ millions was available for strengthening our currency reserves, which I indicated in my last budget speech as the most appropriate use to which they could be



put. I estimate that our closing balance in London this year will be £13,400,000, as compared with £15,000,900 last year. This is still a large figure, but we consider it advisable to adhere to it, as an alternative source from which we can meet our sterling loan maturities should this prove preferable to sterling borrowing. On the assumption that we float a sterling loan of six millions, this means that the sterling which we will have to purchase in 1933-34 will be £21 million, and if further remittances are obtained, it will probably prove best to devote them, as in this year, to the further strengthening of our sterling reserves.

I fully realise that the budgetary plan which I have just announced is not of a nature to stir enthusiasm. It involves a continuance of the grim effort which has been sustained during the past eighteen months. But if Honourable Members look round the world, they will, during the next few weeks, see the Finance Ministers in every country which believes in sound finance introducing budgets very much of this kind. If they dislike the continuance of this effort, I am sure they will appreciate that I dislike it equally, and that it must be a very great disappointment for me, on this occasion of the last budget of my five year term, not to be able to take for the first time the pleasant path of relaxing burdens of taxation. But I have felt it necessary to take the harder path; and I have at least this consolation. When I first took office, though the rest of the world was still booming, it became apparent to me very early that India was faced with special difficulties, and was destined for a period both of constitutional uncertainty and of borrowing to meet past commitments, which would inevitably reduce her credit. But to-day we have recovered from all that and I think we may feel that India, amidst a world which is floundering in the gravest trouble and distress, has reached a position in regard to her public finance which challenges comparison with that of any other country. That we have been aided both by special fortune and by the strong reserve resources of the Indian people in attaining this position, I should be the first to admit. But that, while it does not diminish the value of the position, only strengthens the obligation which rests upon us to make the utmost efforts to maintain it. I would appeal to the House to support us both in these efforts and in the fulfilment of what is now our guiding purpose—the purpose of leaving to the new Government of India a house well stored and buttressed against all the storms which it may encounter.

#### RELEASE OF GANDHI AND POLITICAL PRISONERS

**1st. MARCH :—**After questions and replies to-day regarding ban on Congress Sessions, the Assembly resumed discussion on the non-official resolution of *Mr. Maswood Ahmed* regarding the release of Mahatma Gandhi, Mufti Kifayatullah and other political prisoners.

*Mr. Ranga Iyer* supporting felt that to-day repression was over-shadowing the reforms. Let Government reverse the position by making reforms over-shadow repression. He regretted the adamant position taken up by the Home Member during the question hour of not yielding an inch to constitutionalists, who in spite of picketed polling booths and country's disfavour sought elections. The speaker asserted that if Government persisted in its present policy and did not release the political prisoners it would amount to their throwing the constitutionalists to the wolves, for the Congress movement was dead to-day. One section of the Congressites, with Mr. Gandhi at the head, was busy with anti-untouchability movement and the other section was anxious to consider the White Paper. Mr. Ranga Iyer asserted that anti-untouchability movement would be dead in the next six months, unless Mr. Gandhi was released, for otherwise the orthodox section would be too strong for Mr. Gandhi to fight behind the jail bars. Mr. Ranga Iyer said that Mr. Gandhi was bound to be released in spite of the Home Member's assertion that there would be no release till civil disobedience movement was repudiated. If, however, the Congressites were released now they, he was sure, would soon realise the atmosphere. Government should also realise that the White Paper would not be considered dispassionately unless Mr. Gandhi and other politicals were released.

*Mr. N. M. Joshi* held that most of the political prisoners were convicted for nominal offences against Ordinances, and Government would be doing the greatest injury to themselves if they insisted on an assurance from the prisoners first. Government would not gain anything by humiliating the Congress in that way. Congressmen might not agree to abandon their policy openly, but they were certainly prepared to wait till the Congress movement was completely dead.

By keeping Congressmen in jail, even those who did not join the movement

were showing signs of active sympathy. He thought that if Government abandoned "the vindictive policy" and was more generous in dealing with the Congress, they would get sympathy and support of the public, which would immensely help constitutional reform.

*Mr. A. Hoon* at this stage moved postponement of further consideration till 31st March. He said that they were still ignorant of what exactly was contained in the White Paper. The release of political prisoners was vitally concerned with constitutional proposals. As *Sir Muhammad Yakub* stated, it was not possible to say "yes or not" to the resolution at the present moment. Therefore, in order to enable them to give their verdict further discussion should be postponed till the publication of the White Paper.

*Sir Brojendra Lal Mitter*, leader of the House, stated that so far as Government policy was concerned that policy had been taken after full consideration. Government were prepared to give reason in support of that policy. However, if the members wished adjournment of discussion till the 31st March, Government had no objection. The Assembly accepted the postponement.

#### INDIAN TRUST ACT AMEND. BILL

*Mr. K. P. Thampan* moved that section 20 of the Indian Trust Act be so amended as to declare debentures of the Central Land Mortgage Bank of Madras as Trustee securities.

*Sir George Schuster* assured that Government's present programme was not guided by any selfishness or callous indifference. He failed to understand the real object of those who stood for the resolution. He could not agree in general with the statement of *Mr. James* that acceptance of the resolution would help the problem of indebtedness. As for insurance companies he thought that they would be much handicapped if forced to invest only in trustee securities. Government after very careful consideration came to the conclusion that in wider interest of the country the question of revising trustee securities should be withheld until constitutional changes. He advised the mover not to press the resolution in which case Government would oppose. He was prepared to discuss the whole matter with one or two expert members.

*Mr. Thampan* doubted the advisability of keeping the matter pending till constitutional reforms. However, in view of the Finance Member's assurance of further discussion, he withdrew the resolution.

#### IMPORT DUTY ON RAW FILMS

*Mr. Lalchand Navalrai* next moved a resolution asking removal of import duty on raw films, as recommended by the Indian Cinematograph Committee in order to give encouragement to the Indian film industry, which is still in its infancy. Tracing the development of the film industry in India he pointed out its usefulness and educative value. It was the duty of Government not only to encourage but also to give substantial material support to the industry.

*Sir Frank Noyce* on behalf of the Government said that cinema industry would come to stay in India and had great educative potentialities, and Government were anxious that the industry should play a worthy part in India. Government, however, felt that under the present financial conditions they were unable to abolish the duty. They would do so as soon as financial considerations permitted. With regard to the suggestion to shorten the period of refunding duty on re-exported films, *Sir Frank Noyce* said that at present Government did not consider that the effect would justify to abolish duty. They, however, were willing to examine the question which necessitate amending the Sea Customs Act. In view of the financial implication he could not accept the resolution as it stood but he would go into the question carefully with the Finance Member and the Central Board of Revenue and do all that is possible to see the industry flourished.

The resolution was withdrawn, and the Assembly adjourned.

#### General Discussion of the Budget

**2nd MARCH:**—General debate on the Budget was taken up to-day and *Sir Leslie Hudson*, leader of the European group, opened the debate with a speech which was cheered at frequent intervals by all sections of the House. He congratulated the Finance Member on the very lucid speech. His hope, however, of its being sympa-

thetic to the poor taxpayer was dispelled when he saw the poor shorn lambs, both black sheep and white (Voices: Also brown), being shorn very close to the skin and still condemned to shiver in a biting blast. The speaker proposed to make some constructive criticism. He did not endorse the picture drawn by the Finance Member about the extraordinary power of resistance of the people, and said: 'Evidence goes to show that the agriculturist continues to battle grimly for his existence. He is being forced in some districts (A voice: All over) to sell his cattle and pawn his ornaments merely to keep his head above water. (Applause.) There seems no doubt to me that a very large percentage of the export of gold represents forced selling of the capital resources to provide for ordinary every-day necessities of life.' Sir Leslie Hudson hoped the Finance Member had not painted in too rosy a colour the picture of India's trade figures. Under the present condition gold had become a commodity. Why, then, was Sir George Schuster disinclined to impose a small export tax on gold which would have provided the country with money to restore the whole service cut and provide relief to the taxpayer? (Applause.) While welcoming the removal of discrimination in the matter of incidence of taxation in favour of the services, the speaker said he would have welcomed a word of sympathy for the numerous subjects, both European and Indian, who had been victims of the emergency and who had undergone cut in salaries even up to 50 per cent and above. (Applause.) Very many employees had to forego their yearly or bi-annual increments and it should be a further step in the direction of retrenchment by Government that the scale of increments should be deferred. (Applause.) Sir Leslie endorsed Sir George Schuster's observation about the sugar industry and suggested that an excise duty thereon would be agreed to by impartial people. Continuing, Sir Leslie Hudson paid a glowing tribute to the departments for the manner they tackled the distasteful process of retrenchment (applause), but pressed the necessity for constant vigilance and asked: 'Is there not a possibility of still further reduction of the military expenditure without loss of efficiency (applause), as, for instance, in mechanisation, which I have heard stated, has yet to be proved an economy. When again a declaration regarding new scales of pay is long overdue'. (Applause.) Sir Leslie Hudson objected to Sir George Schuster calling motor cars as luxuries—and not the least in this salubrious spot, New Delhi. He, therefore, asked the Finance Member to listen to the voice that import duty on motor vehicles be reduced. He criticised the re-imposition of the duty on cheques as another tax on trade. As regards the Government policy not to borrow for capital expenditure, he asked the Government to act not with a niggardly hand, but spend wisely and give an impetus to industries in this country. There were persistent rumours that the railways were in need of rolling stock, that if a rush of traffic were happily to occur there would not be enough wagons to lift the crops or that the engines were rusty or otherwise incapable to haul them. Lastly, he urged the Finance Member to consider remission of the export duty on hides for the sake of the Indian hide trade. (Applause.) Concluding, Sir Leslie Hudson said: 'I think I am voicing the thoughts of every member of this House and a very much greater number outside when I express the sincere hope that Sir George Schuster will be in the same set this time next year (applause), giving this country the benefit of his wide knowledge of finance—I will go further and say that genius for finance which has assisted the Government of India once more to face the world with a budget equilibrium and to stand, as he has himself so well said, buttressed against all storms which it may encounter.' (Loud and prolonged cheers.)

Dr. Ziauddin Ahmed congratulated Sir Leslie Hudson on the splendid speech. He complained that the country as a whole had suffered while public finance was held by the Finance Member to be good and the position of the investing public safe. If there had been an increase in imports, it had to be met by the export of gold. At the same time nothing was done to help Indian industries as was done in South Africa. The export of gold should have been utilised to reduce India's sterling obligations. If this had been done the amount of interest charges would have been reduced. Referring to the situation resulting from the import duty on wheat Dr. Ziauddin suggested the establishment of some machinery as the result of the proposed economic survey whereby the middlemen's profit could be reduced and the proceeds go to the landlord and the tenant. Proceeding, Dr. Ziauddin alluded to the position of railway finance and wanted complete separation of railway finance so that the railways might be in a position to borrow on their own credit at rates which, he believed, would be even lower than at which the Government of India could raise.

Mr. Rameshwar Pershad Bagla did not think it an exaggeration to say that the



main interest of the Finance Member had been Government servants and not the people or the public of India. It was a well-known truth that either the Government or individuals would pay the servants to their satisfaction when the public purse did not allow. Just as the cut in salaries was an emergency measure, so was the income-tax and the surcharges. Mr. Bagla stated without fear of contradiction that the people were being crushed under the heavy income-tax and super-tax and the first relief the Government should have given to the users of postal stamps. The speaker urged for adequate protection to the cotton piece-goods industry, including hosiery, which, he said, was in imminent danger of total collapse. He criticised the military expenditure and said the forthcoming federal constitution would be unworkable without its reduction and urged prohibition of the export of gold.

*Dewan Bahadur Har Bilas Sarda* complained that the province of Ajmer-Merwara was not treated with justice and fairness. He pleaded for a Legislative Council for Ajmer as in Coorg. If that was not possible it would be better if Ajmer-Merwara be amalgamated with the United Provinces. He requested the Finance Member to be more generous to the poor people and reduce the cost of post cards and thought that the duty on cheques was ill-advised at the present time.

*Mr. D. K. Lahiri Chaudhry* strongly criticised the postal administration and quoted many facts and figures to prove abuses in various places,

*Mr. Raghubir Singh* pleaded for reducing the postal rate to the pre-war level and asked the Government to utilise petrol duty for improvement of roads. While thanking the Finance Member for enhancing the credit of India, he asked for reduction of the surcharge on incomes below Rs. 5,000.

*Mr. Amar Nath Dutt* thought the military expenditure could still further be reduced. He felt sorry that while preparing the budget, the Finance Member did not take into account the extreme economic suffering of the rural parts of the country. However, the speaker thanked Sir George Schuster for his ability and skill in raising India's credit.

*Raja Bahadur Krishnamachari* criticised the Government for not having given proper remission in land revenue, especially when there was slump in agricultural products. He hoped some steps would be immediately taken in order to relieve the ryots of their indebtedness. He suggested extension of the telephone service to the rural parts.

*Sir Muhammad Yakub* held the poor peasants and landlords had exhausted all their gold in order to pay revenue. Disagreeing with the Finance Member that the proceeds of gold had been converted into investments, he asserted the only people who benefitted were the money-lenders and the brokers. He specially pleaded for further protection to sugar so that the cane-growers might be benefitted. Strongly protesting against reduction of the grant to the Aligarh University, he appealed for an additional grant of one and a half lakhs for a term of five years to improve scientific instruction in the Muslim University.

*Mr. De Souza* wanted the Indian Christian community to be adequately represented at the forthcoming Joint Parliamentary Committee. He suggested a separate Minister for dealing with agricultural indebtedness. Even as a retired Government servant he thought the restoration of 50 per cent cut, while trade and finance were languishing, was ill-timed.

*Mr. Brij Kishore* considered that the system of taxation in India was nothing but pumping water out of a limited reservoir without fresh supply. He complained that provision of better marketing facilities and better transportation for agricultural products was completely neglected by Government. While on the threshold of the new constitution he implored the Government to have a changed outlook and secure the co-operation of all people.

*Mr. Jadhav* warned the Government against the worst time ahead, because of the depleted and depreciated condition of the ryots caused by the phenomenal export of gold. All the gold which had left the shores of India had added little strength to improvement of industry. Of course it helped the Government's financial position, but the condition of the peasant who formed the bulk of the population had gone from bad to worse. The apparent prosperity of the Government was only an illusion. Government service had been made unnecessarily attractive with the result that youngmen entirely neglected the trade and industry of the country. He maintained that the cost of that portion of the army which was maintained for imperial purposes should be borne by the empire and should be completely free from the war debts. Though the political situation showed

apparent signs of improvement the economic condition would not really improve unless Government changed the angle of vision and acted with some consideration and moderation.

*Mr. Lalchand Navalrai* strongly criticised the Government's attitude towards the Sind problem and hoped proper representation would be secured to the minorities in Sind in the Joint Parliamentary Committee. He suggested the removal of the surcharge and raising of the income-tax level to Rs. 2000.

*Mr. Axhar Ali* disagreed with the Finance Member's opinion that public credit had in any way enhanced. He maintained that the credit of the poor masses had definitely gone down and particularly protested against the proposal to impose the stamp duty on cheques.

*Mr. Jog* felt it unnecessary to waste the time of the House when the Finance Member had nothing new to say in the budget speech of 40 pages. Sir George Schuster might have told the House instead: 'Gentlemen, you are where you were last year.' Mr. Jog said he knew how the agriculturists and small traders were suffering and the country's future was not bright but gloomy.

*Mr. S. C. Mitra* wanted to know if the people of India were living only for the sake of the Government as was shown by the budget. He complained that the non-official members were working under considerable handicap in discussing the Budget. They had a mass of papers given on Feb. 28. March 1 was non-official day and to-day they were asked to offer criticism on the Budget. It was really unfair.

*Sir Cowasji Jehangir* joined issue with Mr. Mitra and suggested that the House be now adjourned till the next day, when Mr. Mitra be allowed to continue his speech. This would enable the non-officials to go through the budget papers. The House was accordingly adjourned.

**3rd. MARCH :—***Mr. S. C. Mitra* resuming the general budget discussion to-day thought that the Government ought to have waited till better times before they restored 50 per cent. pay cuts. As for the Postal Department there was at present a feeling that the telegraph side was working at a loss. In order to facilitate proper assessment a separate stamp should be introduced on the telegraph side. Speaking for Bengal he pleaded that there should be no additional salt duty and the revenues derived from jute and income-tax should be properly shared with Bengal in order to balance the provincial budget. He replied to the Finance Member to take early steps to acquire for the Government excise duty on kerosene. As regards the Army there was still sufficient room for additional retrenchment. He agreed with Sir Md. Yakub that there should be no cut in grants to educational institutions.

*Sir Abdur Rahim* opined that the Budget presented by Sir Schuster was essentially an emergency budget with all its punicky features. Crushing taxation had paralysed every industry in the country and was telling on the lives of ordinary citizens. While the people were actually groaning under the burden of taxation the Government ought to give simultaneous relief both to Government employees and the general public. Sir Abdur Rahim said that the test of national prosperity was not investment by some people in Government securities but how the country's resources were being developed. The Government must get out of the present rut. There was one way which, he was glad, had appealed to the European group, too, namely, to reduce military expenditure. It should have been reduced by six crores this year. Sir George Schuster had made an excellent speech at Ottawa showing how the army swallowed the Indian revenue. (Applause). "I want to remind him of that speech and shall ask him to concentrate his efforts in reducing to a further and substantial extent the army expenditure. Some way must be found to get out of this groove." The speaker referred to Sir George Schuster's remarks that Indian masses had kept up the standard of consumption of such commodities as cotton piecegoods, kerosene and salt and declared that considering the huge increase in population this was no test of the people's solvency, "Do you not see every village in Europe electrified and our people are still dependent on kerosene lamps? Where is the progress? As regards gold, the Finance Member had said that gold cannot be eaten. "Why is England purchasing gold, why are European countries collecting it, because for long long years gold will remain the standard of currency. I cannot agree with Sir Leslie Hudson's suggestion of export duty on gold without knowing what effect it would have. It might result in making poor people get less for their distress gold." Sir Abdur Rahim asked why was it that sterling loans raised at five

and six per cent in England were not being paid off by floating a conversion scheme there." The reason for higher investment in post office and Savings Banks was not prosperity, but for lack of commercial and industrial activity the man with a small capital had no other scope for investment. As regards expenditure he did not agree with Sir Leslie Hudson that it should be invested in railways and asked "are railways productive? The speaker continuing said that every national Government's budget statement made a chief feature of the employment situation in their country. More than fifty million people were unemployed and I wish he had made some suggestions and used his great talents to tell us how to develop our country to find employment for Indians. I have not the least doubt that Sir George Schuster has done his best, but he is not free to make his own budget. It is budget subsidiary as to White Hall. We should like to see a man of his knowledge and experience run the finances of India under a responsible Government (applause). Then Sir George Schuster would give us a very different Budget" (cheers).

*Mr. Yamin Khan*, drew the attention of the Finance Member that the handloom industry was practically at a stand still while the country imported a large quantity of cotton goods for which they paid high import duty. The immediate need of the country was to find employment for village weavers. He did not deny that there were certain ugly features in the budget and India was not advancing on right lines. As for jute which was the whole monopoly of India he wondered why prices had gone down and hoped that the Government would see their way to improve the lot of jute-growers. Concluding he protested against the cut in grants to the Universities.

*Sir Henry Gidney* pleaded for the creation of a Ministry of Health and said that there were nearly six million deaths every year. The mortality amongst children and infants was greatly in excess of the normal figure.

*Mr. B. Das* was pained that no words of solace could be found for the taxpayer in the Finance Member's speech.

*Mr. H. P. Mody* felt that the budget was very uninspiring with one side of the picture of the high credit and healthy financial position in India. The speaker asserted the flow of gold commenced even before England went off the gold standard. Another unhealthy sign of Indian finances was that Government relied too much on customs revenue, returns from which, on several commodities, should dwindle down to nothing, if not had dwindled already. In this category he included textiles and sugar. The only way, *Mr. Mody* said, of keeping financial position in India sound was to keep the salary bill as low as possible and have further prunings in the army expenditure.

*Mr. Sullivan* regretted that members had indulged in adverse criticisms without contributing to any useful suggestions for raising revenues. He admitted from personal experience the condition of ryots.

*Mr. Makhdoom Rajan Baksh Shah* speaking in Urdu won a number of cheers for his remarks and said this Assembly had also degenerated into a toy house like Provincial Councils. He felt conditions of peasantry should be the chief concern of all for until they improve, trade would go to pieces.

*Sir Cowasji Jehangir* said it was a *status quo* budget and meant an extension of emergency budget. Some had called it an uninspiring budget. "Would you have liked inspiring budget with an extra taxation?" (cheers). The speaker finally referred to the fact that the Government of India was merely the agent of the Secretary of State and the restoration of the salary cut was probably one of the things forced on the Finance Member but hoped next year there would be real and substantial relief.

*Mr. Gopika Raman Ray* ventilated grievances of Assam and said while profit from tea industry had disappeared, paddy and other crops in Assam were equally bad, with the result that the value of land had fallen from one hundred per acre to ten rupees per acre.

*Sir Hari Singh Gour* urged the Government to insist on His Majesty's Government to give decision regarding capitation charges and contribution of the Imperial Government toward the Indian army. Dr. Gour wanted Indianisation which alone could reduce the army budget and also lower the scale of salaries for new recruits to the superior services. In conclusion, he pleaded for consultation of the House before committing India to any economic policy at the Imperial Economic Conference. Referring to provision made in the current year and in next year for meeting war debts, *Mr. Ramaswami Mudaliar* asked where was the need for making this provision when there was no knowing whether England would demand it this year or next year and there was every prospect of Australia, South Africa and



Canada either not paying or expressing inability to pay debts. On whose authority did the Finance Member make this provision. Was it at the instance of the Secretary of State? Disclaiming any intention to repudiate debt in question, Mr. Mudaliar emphatically objected to this provision this year and demanded light on the matter.

*Sir George Schuster*, replying to the debate, said that the forty members who spoke had read only one speech and criticised it while he—one man—had to hear forty speeches to reply to the debate. It was very interesting and the notable feature was that Mr. Shanmukham Chetty (in the chair) had been precluded from making a speech.

"One may thank the House for extreme courtesy," and he said that as he looked back over five years, he could say that this Legislative Assembly had always stood for sound finance, therefore if their position was sound, the Assembly deserve a greater part of the credit (applause). They had voted all taxation and even where Government had to differ the Assembly's view was not for unsound finance but because they wished the Government to pursue retrenchment measure rather than taxation. Those who thought that he was optimistic and did not put in his speech bad features should remember that while he would have pleased a section of the House he might have by drawing a dark picture damaged the credit of India abroad. (Hear, hear). He had deliberately said that the position of public finance was satisfactory, and added, "whatever future may have in store for us, even if the position becomes worse than we have gone through, I am absolutely confident, that India will pull through. All those troubles are far better than any other country I know of (applause)". *Sir George Schuster* replying to some of the points made said, Mr. Mudaliar must have very poor idea of the speaker's intelligence or sense of responsibility if he had thought that the question of India's sterling loan conversion was not in his mind. He could not tell where the position stood but assured it was in the forefront of their mind (Applause). As regards repayment of war debt it would have been unsound finance without this provision. England out of generosity allowed them to have Hoover Moratorium.

*Sir Cowasji Jehangir* : Then why not take provision for India's reparation claims also.

*Sir George Schuster* : Unfortunately one must suffer for being virtuous ( oh, oh, cheers ). We are good debtors while those who owe us may not be in a position to pay. The speaker, in any case, assured the House that though provision was made in the budget, they would do their utmost to see that it did not materialise (applause). As for tax on tobacco consumption, provincial Governments in consultation with the Government of India are pursuing the matter with utmost speed. He also assured Mr. Mudaliar that while surcharges on salaries paid by officers in the provinces would be paid to the Central Government and not other provinces who would benefit. To *Sir Leslie Hudson's* opposition to duty on cheques *Sir George Schuster* said that he inadvertently misled the House about the opinion of the Central Banking Committee who on the contrary had stated that abolition of duty had led to encouragement of cheque habit. *Sir George Schuster's* own opinion, however, was that it had not had an appreciable effect. As regards capital expenditure, *Sir L. Hudson* had understood the speaker quite contrary to what his speech meant. He did not agree with *Sir Abdur Rahim* that railway expenditure was not productive. On the other hand, if only India could get a productive investment as railways there was nothing to fear. He assured *Sir Hudson* that his fear about shortage of railway stock was not correct. But if it was, it would be put right. The speaker replying to *Dr. Ziauddin's* point, said that the sure way to recovery was for the people at present to invest in Government securities which would go up and make people go for industrial debentures and thereafter for industrial shares. Finally, *Sir George Schuster* asked the House to endorse the policy of standing by the emergency structure built in 1931 till the crisis was passed and hold themselves in patience till then.

The House then adjourned till the 6th. March.

#### ASSEMBLY'S LIFE TO BE EXTENDED

**6th. MARCH** :—Soon after the question hour to-day *Mr. Chetty* read to the House the following message from the Viceroy which was heard by all standing :—

"GENTLEMEN OF THE ASSEMBLY :—Your Chamber is now in the third year of its formal term of three years and the question of the date of general election has been engaging my attention. As this matter is of great interest to you and the

public generally I take an early opportunity of informing you of my decision. Under the operations of section 63 (d) of the Government of India Act the term of this Assembly will expire in next January and in the ordinary course I would have dissolved the Assembly in autumn this year so that a general election could be held towards the end of this year and the meeting of the next Assembly convened in the beginning of the next year.

"However, as you are aware His Majesty's Government are pressing forward with their plans for a federal constitution in India and the new Assembly which would meet for the first time in next January might have a short life. I feel that the expenditure of energy and money which a general election entails both on the Government and candidates would hardly be justified in these circumstances and particularly so at a time when public interest will be fixed on the new constitution and the Government and public men will be busy preparing for its inauguration. I have, therefore, decided not to dissolve the Assembly or hold a general election this year. I propose when the time comes to exercise my powers under section 63 (d) of the Government of India Act and extend the life of this Assembly for such period as may be expedient in the light of conditions then prevailing".

#### Voting on Budget Demands

The discussion of the demands was then taken up. The Deputy President announced the arrangement arrived at with the party leaders regarding the discussions on token cuts and the House approving, he called on Sir Leslie Hudson to move his cut of Rs. 1000 under Customs.

#### DUMPING OF GOODS IN INDIA

*Sir Leslie Hudson* by means of a cut of Rs. 100 under Customs raised the question of dumping of goods into India by countries with depreciated currencies. Sir Leslie said that many factories had been forced to curtail production on account of the Japanese competition and some of them had been reduced to such perilous conditions that they were on the point of extinction. The interests affected by the competition comprised, amongst others, paints, varnishes, paper, cement, pottery, porcelain, earthenware, electrical insulators, lead pencils, brushes, many varieties of cotton piecegoods, artificial silk goods and many other articles produced by small and large factories. Sir Leslie Hudson said that the legislation of the type he pressed for existed in many countries of the world such as Canada, South Africa, Australia, while France and other continental countries had imposed surtaxes on imports from countries with depreciated currencies. All over the world steps had been taken by the Governments to counteract the flooding of their markets by countries whose depreciated exchanges enabled them to undercut home industries and about ten years ago the Fiscal Commission in India recommended such legislation as was now asked for. He urged that if the indigenous industry was able to make out a *prima facie* case that it was being driven out of business by goods from foreign markets owing to the depreciated currencies of those countries the Government of India should be in a position to take immediate action to prevent the ruin of that industry. He was aware of the argument that the buying of imported articles cheaply was beneficial to the consumer but urged that the interests of the country as a whole must be considered. He would not have pressed for the cut motion if the present position in India was due to fair competition or fault of management. But the present position had arisen mainly on account of the fall in the yen. Sir Leslie Hudson asserted that unemployment should increase on account of closing the factories and from cessation of demand for raw materials. He urged that as the internal prosperity of India should be considered first before more tangible and immediate revenue to be derived from import custom duties. Sir Leslie Hudson also pointed out that there was no sign of rising internal prices in Japan having any effect on the flood of articles coming into India from that country.

*Sir Joseph Bhoré*, replying to the debate, said that it was evident there was general consensus of opinion that immediate action was called for and action should be taken to prevent dumping which was the result of depreciated currency, but that the predominant consideration should be the interests of the consumer and of indigenous industries. He admitted that the effects of the present invasion which resulted from dumping due to depreciated foreign currency had in some cases been such as to severely compete with certain indigenous commodities. The Tariff Board had stated that the danger was rather from depreciating currency than from depreciated currency. The Commerce Member said that he had information that forward con-

tracts for March and April had been placed at appreciably higher prices than those prevailed in January. The increase in the cost of living in Japan had not been reflected in any general or appreciable increase in import prices. The failure of these prices to respond to that factor had created a position which now called for examination. At the same time they should see that nothing was done to affect any trade agreement. The whole question was engaging the Government of India's active and serious consideration and Sir Joseph Bore hoped that the Government's conclusion would be reached and published at an early date.

*Sir Leslie Hudson* withdrew the cut motion in view of the Commerce Member's assurance. The demand under Customs was carried.

#### INCOME-TAX

*Mr. Ramkrishna Reddy* moved a cut under demand 'Income Tax' to raise a debate for removing the surcharge and for restoration of the old taxable minimum. He said that the Assembly had agreed to the surcharge only to meet an emergency and that there was no ground for its continuance as the finance were now better, evidence of which was the partial restoration of the salary cut. The speaker said that the Government secured 350 lakhs by income-tax surcharge and 70 lakhs through lowering the incidence of taxation which could be made good by reducing the provision for reduction and avoidance of debt. *Mr. Reddy* also pointed out that the standard of living of average people had gone up and they had to meet a heavier expenditure on account of the enhanced postal rates, railway fares and also urged reduction of the military expenditure for the purpose of taking off the surcharge.

*Sir George Schuster* agreed with *Mr. Neogy* that this motion could have been more appropriate in voting on the Finance Bill. But replying to the debate he emphasised that it was far better to stick to sound finance than give way to sentimental appeals for reduction of taxation. Such a need for sound finance was greater now than ever it was, especially after the lesson of the United States. He claimed that England and India were deliberately preserving the principles of soundest finance in the world to-day. Striking a personal note, he said that the longer he examined the factors of the present situation the stronger grew his conviction that the only thing which those who carried responsibility in a country like India could do was to stick to those principles of sound finance which he himself had repeated *ad nauseum*. He might have had a rash promise 18 months ago that the surcharge would be sought to be removed. Now after the lapse of those months he would say 'I am never going to prophesy again' (Laughter). They had all been mistaken in their appreciation of tendencies.

*Mr. Ramakrishna Reddy* spoke strongly for pressing the cut to a division if for no other reason than to do their duty to their grievances to be urged upon the Government.

The House divided and the cut motion was lost, 33 voting for and 41 against it. The Nationalists and Independents as parties voted for the motion. No demand under income-tax was then carried. The Assembly then adjourned.

#### EXECUTIVE COUNCIL

**7th. MARCH:—**In accordance with the understanding amongst the parties the Nationalists initiated discussion under the head 'Executive Council' by a cut motion moved by *Mr. Amarnath Dutt* raising the question of retrenchment and Indianisation of services and reduction of pay for future entrants. *Mr. Dutt* referred to acute unemployment and the absence of a real solution as yet. This problem was being felt more and acutely by the educated middle class people. Personally, he wanted that the salaries of those in the Government of India service drawing above Rs. 1,000 should be reduced. There was enough evidence to assert that the Government of India were not earnest about retrenchment. Not only that, he also wanted that there should be no corruption and bribery. He opined that a higher salary meant in several cases a higher amount of bribe taken. Concluding, *Mr. Dutt* pleaded for fixing a scale of salaries for future entrants at the rate which existed before 1858.

*Sir Harry Haig*, Home Member, replying, referring to the question of taxation, pointed out that the Government officers were also taxpayers. In fact they were taxpayers in whose case there was no possibility of evasion. (Here the Home Member was imperfectly heard). They were also a class of taxpayers who contributed considerably to the customs revenue. As for reduction in the number of posts, the



Home Member alluded to the work of the Retrenchment Committee and said the Government were endeavouring retrenchment wherever possible, but he did not think any appreciable reduction was possible when the administration was becoming more and more democratic. Not much economy was possible unless they were prepared to adopt an altogether different standard of work. Perhaps the House did realize how much burden of work was imposed on Government servants by the partially democratic form of government introduced in 1920 and which would be carried further through under the new constitution. Proceeding, the Home Member referred to Indianisation and said in the great majority of services this held the field completely. In all provincial services and in the great majority of central services recruitment of Indians was also the invariable rule. As regards the all India services, there were only two classes, namely, the I.C.S. and I.P.S. wherein European recruitment continued and in two other services, namely the Imperial Forest Service and irrigation engineers where recruitment was suspended. As for the future entrants, the Home Member referred to the Sloan enquiry which was nearing completion. With reference to the new scale of pay, they should fit it in the light of the conditions obtaining in India, not in other countries. At the same time some attempt at uniformity should be made lest there be any glaring discrepancy unjustified by local conditions, although the provinces would become autonomous units capable of determining their own rates. However, the Government of India were pursuing the right lines in seeing that the new scale was decided with reference to the conditions in India. As regards European recruitment, it must be of a character and standard which India required. The question of rate in this case must be left to the Secretary of State. For the present those who were engaged were taken in on the distinct understanding that their scale of pay might be affected by any recommendation of the Sloan enquiry. Concluding, Sir Harry Haig paid a tribute to the admirable work of the services throughout the country and said the stability of the future constitution would depend largely on honest and efficient administration.

*Mr. Amarnath Dutt* welcomed the recognition on the part of the Government that the future scale of pay should be according to Indian conditions and withdrew the motion.

#### ARMY ESTIMATES

*Mr. Yamin Khan* moved a cut under the Army Estimates to raise a debate on the question of Indianisation of the Army. He said that defence should be by the people of the country if self-government was to be a reality. He referred to his motion 10 years ago which elicited the announcement of the eight-unit scheme by Lord Rawlinson, the then Commander-in-Chief. He then did not withdraw his motion and to-day he asserted he was right in doing so, for the eight-unit scheme was not liked by anyone and was not the right policy. The speaker then had urged that the Indian battalions should be completely Indianised and urged for it to-day. He paid a tribute to the British officers for their sense of discipline and hoped the same would be imbibed by the Indians. Indians had the required martial spirit. They only required opportunity. In conclusion, *Mr. Yamin Khan* protested against the disbanding of five Indian units.

*Mr. Tottenham*, Army Secretary, replying to the debate, claimed that the army administration was outstandingly sympathetic towards Indian aspirations. Referring to the demand for increase in the number of admissions to the military academy, he alluded to the Commander-in-Chief's statement in the Council of State yesterday that the present number of 60 was sufficient to carry out the recruitment required and the time had not come to increase it until that policy had been given some chance of success. Later in the debate answering *Mr. Yamin Khan*, he assured the House that this number could be increased in the course of a few years. As for the charge against the eight-unit scheme, the Army Secretary defended the scheme as being the best suited for the acceleration of Indianisation and said that until that scheme had been fully worked out they could not say about the next step in advance. In fact, complete Indianisation of the eight units was the quickest way of approach towards the solution. As the Commander-in-Chief had stated the pace of Indianisation depended upon the Indian officers in the army at the present moment and those cadets who were receiving training at the academy. The policy enunciated at the Round Table Conference that India's defence must to an increasing extent become the concern of the Indian people and not of the British Government alone was receiving the genuine and full co-operation and support of the army

authorities. The Army Secretary assured hon. members that there was no sign of obstruction but on the other hand there was every sign of co-operation. That in itself was an asset of priceless value. If the Assembly found any sign of obstruction on the part of Government then they could condemn them.

*Mr. Yamin Khan* said he was not fully satisfied with *Mr. Tottenham's* reply which, he thought, would have the effect of delaying the Indianisation of the army for a century more.

*The Army Secretary* assured the House that the very best British officers were in the selected eight units to give them every chance of success.

*Mr. Yamin Khan* was prepared to withdraw the motion but the non-officials refused to give him leave and on the motion being put it was carried by a majority of one vote, there being 38 for and 37 against it. The Army department demand reduced by one rupee was then carried. The Assembly then adjourned.

**8th. MARCH :—***Mr. Sitarama Raju* moved to-day a cut of Rs. 100 in the Army Department raising the question of reduction of military expenditure. This demand, he said, was as old as the Congress itself. What they wanted was not the abandonment of the cherished schemes of improvement but elimination of unnecessary and wasteful expenditure. The Finance Member might be satisfied with the position, but the House was not. They had armed police and reserve and there was no more bogey of Russia. Emphasising his view that there was a possibility of making enormous reduction in expenditure in the current military budget he quoted figures to show that there were items where the pruning knife would be applied.

*Mr. Tottenham*, replying to the various criticisms levelled against the Army Department, said that they had nothing to hide and their accounts were open to examination. This fact was sufficiently borne out by those committees like the Military Accounts Committee and the Retrenchment Committee, which had thoroughly gone into the working of the department. Speaking on the main question, he reminded the House that during the last two or three years the army had been extensively used in places like Burma, Bengal and Frontier, and the extra expenditure involved was entirely met from the army budget without asking a penny more. But for these, they would have been able to show still greater reduction in expenditure. The army expenditure in 1922-23 was 63 crores, and now within ten years it had been reduced by seventeen crores, which was a great achievement. The policy of retrenchment had been carried out carefully and scientifically in all sections of the army. Regarding air force, every possible effort was being made to determine the strength of the air force in India with the minimum cost. The army authorities, as a whole, have proceeded very little in the direction of mechanization, and guns and such like materials had been in existence even before the scheme came to be adopted. The present mechanisation added much towards the attainment of efficiency due to increased mobility. To those, who criticised the extravagance, *Mr. Tottenham* pointed out that the responsibility did not lie with the critics but on the Government of India, and their expert adviser, the Commander-in-Chief who were responsible for India's safety. There were at present two expert enquiries, namely the Capitation Tribunal and the External Defence Committee, carried into the strength, composition and cost of the army as a whole. He was not in a position to anticipate any of their recommendations at present, but he could say that their reports would not be delayed much longer. Proceeding, *Mr. Tottenham* took pride in announcing that of all great nations, which participated in the Great War, Great Britain and India were the only two countries who were able to effect considerable reductions and savings in defence expenditure. However, they were positively unable to bring down the expenditure to 29 crores of pre-war level, because now they had to bear enormous pensionary charges, increased pay and other expenses. But if they compared the army budget with the civil budget, he could say with certainty, the latter had much increased. As regards the medical service he said they had effected a reduction of 14½ lakhs, and further reductions were still under consideration. Concluding *Mr. Tottenham* emphasised that it would give him the greatest pleasure and encouragement if any members gave a constructive suggestion in the direction of economy, and the army authorities would give their genuine considerations to them (applause).

*Mr. Raju* replying hoped that the Assembly would be given a chance to discussing the findings of the Capitation Committee.

When the House divided the cut motion was defeated by 44 votes to 33.



## POLITICAL DEPARTMENT

*Sir Abdur Rahim* then moved a cut of Rs. 100 under the Foreign and Political Department estimate to raise a debate on retrenchment and Indianisation. He wanted the Foreign and Political Secretary to tell the House what recommendations of the General Purposes Retrenchment Sub-Committee were adopted by the Government and what economies were effected. The department, he said, was a very mixed one and included local administration like Ajmere, Delhi, certain semi-military organisations like watch on the Frontier. The speaker urged all semi-military organisations should be transferred to the Military Budget. In regard to political agencies, *Sir Abdur Rahim* said if they are pledged to the theory of paramountcy under which the Princes would have direct relations with the Crown without intervention by British India, it was just and fair that expenditure on the Foreign Department should be borne by the Princes or the Imperial Government for in that case the department maintained imperial interests. On the other hand, if these relations were to be placed on the basis of common interests and federation, expenditure should be equally shared by the Princes and British India. To-day the whole expenditure is borne by British India which is unjustifiable. Further, there was room for economy by levelling up some agencies reducing the strength of officers. As regards Indianisation, there were only two Indians doing real political work, the rest are working as educationalists and ministerials. The case of the Foreign Department was even stronger for non-inclusion in the budget. Embassies were maintained not for trade but for imperial interests and there is a strong case for enquiry as to how far they benefitted India. The speaker urged that the whole expenditure should be borne by the British Government. The British Government had recognised this principle sharing in half the expenditure on Persia and Persian Gulf consulates. He concluded saying that there was considerable room for economy which should be explored.

*Mr. Metcalfe*, Foreign Secretary, replying gave figures showing that the department had endeavoured very best and was still endeavouring to give effect to the Retrenchment Committee's recommendations.

As for Indianisation, the Foreign Secretary explained that there was no Indianisation till 1921. But arrangements were made afterwards whereby 25 per cent was attempted. But there were practical difficulties. Very few Indians actually applied and Government could not compel any one to join the department.

Then again they had to take some from the Indian army. And the difficulty was if they took away Indians with King's Commissions, how was Indianisation of the army itself to proceed satisfactorily.

*Sir Abdur Rahim* withdrew the cut motion but warned that he might bring up the question at the time of the Finance Bill. The Foreign and Political Department grant was sanctioned. The Assembly then adjourned.

## EXPENDITURE IN ENGLAND

**9th. MARCH:—***Mr. Anklesaria* of the Centre Party moved a token cut of Rs. 100 to-day in respect of the demand under head "Expenditure in England by the Secretary of State" raising a debate on the matter of representation and taxation of agriculturists and landholders in the new constitution. At the outset he confessed that he had no intention to censure the Government of India, but his object was solely to draw attention to the powers that be to certain matters which had been agitating a section of landowners in India ever since the Round Table Conference had begun. Rightly or wrongly they believed that their interests had been ignored as against the disproportionate considerations given to the commercial classes. Landlords had stood solidly against subversive and anti-Government activities and had given moral and material support. While the Government provided safeguards for other classes and communities, why should they be refused in the case of landowners. In India the land revenue policy had been directed purely by an irresponsible executive and land-owning interest had no voice in the matter with the result that revenue had gone up within the last few years more than fifty per cent. If any tax was levied on capital the capitalist safely exported their capital abroad but a landowner under such circumstances had no other way but to submit to arbitrary assessment. Concluding, he said that the small landowner who tilled his own soil was the backbone of the country and it was the duty of every responsible legislator to save him from the doctrines of confiscation and expropriation.



*Sir B. L. Mitra* said that none of them could anticipate the forthcoming constitution but without betraying anything he could say that the Government of India had recommended that personal and property rights should be safeguarded under the new constitution and under the category of property rights there was place for the landlord and the agriculturist. In regard to landholders' representation at the Round Table Conference, he said that Indian delegates represented Indian interests and co-ordinated the various interests in pleading for safeguards whenever it was regarded necessary in the forthcoming transfer of power to the democracy. He, however, assured the House that there were representatives of landholding classes at the Round Table Conference. Alluding to representation in future provincial councils, the Law Member said that landholders had been recognised as special interests by the Lothian Committee and had been allotted 36 seats in the various legislatures of India, a figure which did not compare unfavourably with any other interests. *Sir B. L. Mitter* said that franchise had been widened to 27 per cent of the population and he was sure that when candidates were returned there would be adequate representation of agriculturists in the councils. He, therefore, hoped that by these means the menace of Bolshevism could be checkmated. In regard to the demand for providing statutory basis of land revenue, the speaker said that land revenue being essentially a provincial subject the Government could not undertake that, and it was hoped that under the constitution it would be entirely left to the legislature by making it a transferred subject. In conclusion, the Law Member assured the House that the views expressed would be communicated to His Majesty's Government and also that the Government of India were alive to the necessity of arresting the spread of Bolshevism and of safeguarding property rights. The proposals of Government would be now known within the next few days and the House should await those proposals. The motion was withdrawn.

*Mr. N. M. Joshi* moved a cut of Rs. 100 with a view to censuring the Government of India for lack of supervision and control over certain kinds of labour, namely, Government employees. He regretted that Government had not yet thought fit to legislate for forty-hour week, and pleaded for sending the full quota of labour delegates to Geneva this year.

*Sir Frank Noyce* replying to the debate dealt with specific points and said that the Director-General of Posts and Telegraphs had recently received a deputation from postmen and had taken action on their grievances. As regards the M. and S. M. Railway strike, the application for a Conciliation Board was not received till the end of December. Probably the labourers knew that their case was not strong. As regards unemployment, it was a world problem. In any case it was a provincial subject, and the Government of India would give any help, advice and information sought on the subject by the provinces. As regards factory legislation, he said that the last of replies to the circular had just arrived. These covered three hundred printed pages and would require full consideration before legislation was framed. Similarly, the Health Commissioner was busy collecting material on the question of health. Insurance for maternity benefits was a provincial subject, and provincial schemes had been held up by general depression. *Sir Frank Noyce* took occasion to make general observations and asked *Mr. Joshi* to realise that legislation could not produce the ideal world he wanted, and that even the autocratic Government could not go beyond what public opinion was prepared for. The Assembly had given Government full support for well-considered proposals, but all interests had to be kept in view. The Government had the right to expect some active and constructive co-operation from the labour side. Instead it received nothing but criticism.

Replying to *Sir Frank Noyce's* general remarks *Mr. Joshi* said that the labour leaders did not say that they had no fault, but there was nothing wrong in trying to improve the Government at the same time. *Mr. Joshi's* motion was rejected. The House at this stage adjourned.

#### !SALT TAX

**10th. MARCH :—**Brisk business was done to-day in the Assembly and demands under salt, opium, stamps, excise, forest and irrigation were approved without discussion. On the demand for salt, however, *Mr. Maswood Ahmed* wanted to raise the question of the undesirability of the continuance of salt tax. He particularly mentioned the case of Bengal Bihar, and Assam whose Governments had already favoured discontinuance of the salt tax.

*Sir George Schuster* intervening pointed out that a better discussion could be had at a later stage before the end of this session when the report of the Commit-

tee of the House, which considered the proposed additional salt duty, come before the Assembly. *The President* also advised *Mr. Maswood Ahmed* to reconsider his position in view of the Finance Member's statement, whereafter the cut motion was withdrawn.

#### POSTS AND TELEGRAPHS

Next the demand under Posts and Telegraphs Department came up. *Mr. Anwarul Axim* moved a cut of Rs. 100 raising a discussion regarding the working of the department in Bengal and Assam circles. He complained that postal facilities were quite inadequate in those provinces where there was no Telegraph Office even within a radius of hundred miles.

*Sir Thomas Ryan*, Director-General, Posts and Telegraphs, promised to furnish proper statistics of those provinces separately. While he would not promise very great advance in near future he would certainly examine the position of those provinces and try to extend the service consistently with financial limitations. The cut motion was withdrawn.

*Mr. Thampan* moved another cut of one rupee asking grant of special allowance to postal subordinates employed in Wynad, Malabar. He contended that those areas were highly malarial and the cost of living was nearly double as compared with the plains. He complained of the step-motherly treatment to the postal employees, as compared with the Telegraph employees.

*Sir Thomas Ryan* replying said that some years ago Government went into the question of giving special allowance to their employees for duty in particular places like Burma, British Baluchistan, and decided to be guided by the practice adopted by provincial Governments in regard to their employees. The speaker promised to follow in the suggestions of *Mr. Thampan* if it did not cost Government great extra expenditure. The cut motion was withdrawn.

#### RETRENCHMENT POLICY

*Mr. Axhar Ali* moved a cut to raise a debate on the policy of retrenchment which was mainly confined to the lower staff leaving higher posts in tact. He also complained of the postal side being treated in a step-motherly manner.

*Sir Thomas Ryan* assured that recommendations of the Retrenchment Committee were scrupulously followed, and most of them had already been adopted. On the telegraph engineering side, however, such retrenchment was not possible as the maintenance of that system required constant attention of skill and energy.

The cut was withdrawn.

The next cut was by *Mr. S. C. Mitra* ventilating grievances of approved candidates in the Calcutta G. P. O.

*Sir Thomas Ryan*, while he had complete sympathy with the motion, expressed inability to do anything in the present financial circumstances. The cut was withdrawn.

#### INTEREST ON DEBT

The next demand was for interest on debt and reduction or avoidance of debt.

*Mr. B. Das* and *Dr. Ziauddin Ahmed* put questions to the Finance Member. *Mr. Das* asked whether it was not feasible to utilise the sum for reduction of taxation, and *Dr. Ziauddin's* questions were—why the sterling loan was not transferred into rupee loan, why the Government of India take advantage of low rate of interest in England through conversion scheme and why any provision was made at all for barred debts.

*The Finance Member* jointly replying said that they had to face conditions with very great uncertainty, and it would be most unwise for the Government in conditions of that kind not to make provision [which was in essence 'safety provision']. Apart from this, it much improved Government's credit. There was also one particular element of weakness in the budgetary position, and that was the position as regards railways. Although they received full amount of interest on Government advance to the railways, the Indian railways' receipts were dwindling every day, and they were only able to pay by raiding on the Depreciation Fund, but even after revision of contribution last year it was found that the amount which the railways had to draw from the depreciation fund was considerably in excess of the depreciation allocation last year. In fact they were paying more in interest than their own earning by way of net profit. As for *Dr. Ziauddin's* questions, *Sir George Schuster* explained that it was better to float sterling loans and then convert them into sterling at a favourable exchange. However, he could assure "we limit

our sterling borrowing to the extreme minimum amount, which is necessary in order to meet our requirements. We have never raised more than our requirements". According to the communique, issued on the 7th March, it had already announced repayment of six per cent loan, which was maturing on the 15th. June in London. He hoped Government's own sterling balance would be sufficient to meet that obligation. As to the main question, whatever may be the decision arrived at the Reparations Conference, in the meantime they had to regard it as existing liability, and it was impossible to draw a budget as if liability did not exist. If the Reparations Conference decided to cancel or postpone payment, then it would undoubtedly improve their position *protanto*. Then it might be possible to move in the direction of relaxing unpopular emergency taxation (applause).

#### POLITICAL PRISONERS

*Mr. S. C. Mitra* moved a cut under the Home Department estimates to raise a debate on the question of classification of political prisoners. He said jails at present are a provincial subject and his justification for the Central Government's interference is only based on the fact that proper instructions regarding classification had not been issued to the provincial Governments and there is an impression in the country that classification was made on grounds of vindictiveness. He urged for proper classification and endorsement of rules taking in account not only education and status of life but also motive for the crime.

*Mr. B. Das* ventilated the grievances of Orissa political prisoners who were not properly classed and they included two ex-members of the Assembly. He said : let there be a clean fight but classing high class peoples as C was not playing the game. *Mr. Lahiri Choudhury* asserted that the policy made co-operation of non-Congressmen difficult. *Mr. Ramkrishna Reddy* urged for more humane treatment to non-violent prisoners. *Mr. Ahmed Newaz* on the other hand asserted that luxurious treatment of politicals had attracted unemployed to jails. He, however, urged that cases of hardships should be removed. *Mr. Gayaprasad Singh* asserted that classification had been a source of dissatisfaction in the country. The object of punishment should be reformatory and not vindictive. *Mr. C. C. Biswas* said the fault did not lie with the Government of India. The classification was done by courts. He contended : "If you accept sentences, you must accept classification by the trying courts". How many instances occurred of wrong classification? *Sir Muhammed Yakub* maintained that much heart-burning was caused because of classification in case of political prisoners. He held all political prisoners should be put in one class. They went to jail for their political opinions. He knew of a case in Moradabad where a wealthy person as a political prisoner was given C class while an ordinary person was given a higher class.

When *Mr. Ranga Iyer* rose, the Deputy President reminded him that only five minutes left for the guillotine to apply. If the Government reply was to be heard, he would call on *Sir H. Haig*.

*Mr. Ranga Iyer* said he would take a minute and felt that whereas in outside liberty did not exist, let it exist behind the bars by common classification.

The Home Member replying to the debate said that argument of uniform treatment might have come from the Labour Member *Mr. Joshi* who would not recognize social differences and even though *Sir M. Yakub* had reached the same conclusion from a different angle, he reminded the House that classification had been done three years ago and followed the lines that were advocated by members in their speeches. The Government of India satisfied itself that Local Government followed the principles laid down by the Government of India. Guillotine was applied. All demands were voted and the House adjourned till the 13th. March.

#### COTTON TEXTILE PROTECTION ( EXTENSION ) BILL

**13th. MARCH :—**The House allowed *Sir Joseph Bhore* to-day to introduce his *Bill extending protection to the cotton textile industry* till the 31st October. The statement of objects and reasons pointed out that the Cotton Textile Industry (Protection) Act imposed protective duties on cotton piecegoods for three years in order to give the cotton mill industry in India a temporary shelter against foreign competition. By the same Act the operation of duty imposed by the Indian Tariff Act 1927, was extended for a further period of three years on account of inferior labour conditions in China. These duties were to expire on the 31st March, 1933. Assurance was given to the Legislature during the consideration of the Cotton Textile Protection Bill that before the termination of the three-year period, the effect of the



duties on production of cotton piecegoods in India and on Indian cotton Industry would be examined by the Tariff Board. This had been done and the report of the Tariff Board was now under examination by the Government of India, final decision on which had not yet been reached, and it had, therefore, become necessary to take steps to meet the situation which would arise when the present Act would expire on the 31st March. The Bill accordingly proposed to extend the operation of the duties upto the 31st October, pending formulation of decision of the Government of India in the matter of continued protection to the cotton textile industry.

#### Debate on the Finance Bill

*Sir George Schuster* moving consideration of the Finance Bill said that Government had now circulated a tabulated statement showing the retrenchment effected, and very full notes were being published in regard to Posts and Telegraphs, Foreign Political and Audit Departments. The Finance Member said that he took his stand on the statement made in the budget speech that there had been substantial retrenchment in the Government of India.

*Mr. B. Das* opening the debate said that he could not think that the finance of the country could be sounder without adequate reduction in expenditure. So far Government had been tinkering with retrenchment. *Mr. Das* regretted that the Round Table Conference did not solve the question of fixing the amount for defence of the country, and unless this was done the future constitution would be unworkable. He asserted that the military budget could safely be reduced to thirty crores. Alluding to export of gold he said that all arguments of the Finance Member had left them cold. The Government had failed to convince them that the export of gold had really benefitted the masses in the country. He urged *Sir George Schuster* to enquire as to how many cultivators had taken postal certificates, for he asserted that gold had been taken possession of by landholders and sold at high rates, and was not deposited by the ryot in cash certificates. In regard to debt position he said that in spite of the claims of Government unproductive debt had mounted up during the last few years, and Government had failed to take advantage of the cheap money soon after the success of Britain's conversion scheme. The Finance Member had not told them how he proposed to reduce this amount. He urged that there should be some sort of rules for checking the provincial Governments' extravagances.

*Mr. Dhudhoria* thought that the budget having been balanced Government could now consider the lowering of taxation on the machinery, salt, postage, income tax, supertax etc. He specially pleaded for abolition of tax on machinery in the interest of nascent Indian industries. The Assembly at this stage adjourned.

#### MR. CHETTY ELECTED PRESIDENT

**14th. MARCH :—**The Assembly met to-day to continue the debate on the Finance Bill and to elect new president. *Sir Hari Singh Gour* took the chair and announced amidst applause that there was no other nomination, and that, therefore, *Mr. Shanmukham Chetty* was elected to the Chair. There was loud cheers from all sides of the House.

An official immediately went out, and rushed in a special car to the Viceroy's House to get His Excellency's approval to the election. When the approval was communicated to the House, *Mr. Chetty* entered with wig and gown, and was loudly and continuously cheered.

All Party leaders joined in welcoming the Deputy President's elevation to the chair and promised him whole-hearted co-operation and support for the maintenance of dignity and authority of the exalted office.

*Mr. Chetty* replying to felicitations said that he ceased to belong to any political party from to-day and would uphold the dignity and tradition of the chair.

#### Debate on the Finance Bill ( contd. )

The Assembly resumed discussion on the Finance Bill. *Dr. Ziauddin* asserted that for want of policy the position of all business men had become very precarious and trade had been instabilized. He urged total abolition of all export duties and said that on account of export duty the monopoly in jute was fast disappearing. He protested against imposition of export duty on rice in some parts of India, while there was no duty levied in others. *Dr. Ziauddin* strongly urged the abolition of export duty on hides and skins and said that on account of the duty the quantity of exports and income from duty had been reduced to one-fifth in the recent years,

while the world demand remained stationary. In regard to import duties the speaker urged that all protective duties should only be for a fixed period, the maximum being ten years. As for revenue duties, some sort of system should be advised instead of levying them in haphazard way. Dr. Ziauddin further urged for revision of the educational system, which to-day only turned out clerks. This was one method of solving the problem of unemployment. The speaker said that Government could allot Rs. 2 crores for primary education, and this could be easily done out of 93 crores Government had from export of gold. In conclusion, Dr. Ziauddin said that so long as gold exports were allowed he felt that the question of ratio would have been thrown in the background.

*Mr. Amar Nath Dutt* characterised the Poona Pact as a bombshell to the Bengali people and its acceptance by the British Government was the greatest inequity, and emphatically protested against allowing one particular section of the Hindu community to rule over those with whom they differed. He pleaded that the Poona Pact ought to be rescinded in respect of Bengal.

*Pandit S. Sen* stressed the removal of increased postage, as they now proposed imposition of stamp duty on cheques. As for military expenditure England must contribute to a certain extent, as the Indian army was maintained mostly for imperial purposes. He suggested whipping punishment to arrest the growing menace of abduction and rape in Bengal.

*Mr. Lalchand Navalrai*, speaking for small shopkeepers and hawkers, emphasised the need for raising taxable limit to two thousand. He urged that unless the army expenditure and high interest on debts were reduced and ruthless economy was adopted there was no bright future for India.

*Mr. S. C. Mitra* claimed that the members of the Assembly were treated with scant courtesy by the Department of Industries and Labour in regard to their residential quarters in Delhi and Simla and the recommendations of the House Committee was never given effect to. Mr. Mitra urged separation of the judiciary from the executive and asserted that the Premier's Award was preferred to the Poona Pact in Bengal and urged that Government should reach a settlement with the Congress, the best method for which was to allow the Congress to hold the annual session. Mr. Mitra, speaking as Congressman, said that civil disobedience was not the creed of the Congress. It was only a resolution, which was not binding on the members and the chances now were that it could be now revised if the open session was allowed. Mr. Mitra asked Government how long they proposed to keep the politicals in jails.

*Mr. Jadhav* at length criticised the bloated military budget, and asked what was the necessity to maintain such a big army to rule over India, seventy-five per cent of whose population had been dubbed as non-martial? He particularly referred to the oppression practised by individual incometax officials over the poor tax-payer.

*Konwar Haji Ismail Ali Khan* said that ordinarily he supported Government but on this question of taxation he regretted that he must carry out the behests of his constituency. He urged reduction in postage and removal of surcharges. The House then rose for the day.

**15th. MARCH :—**The discussion of the Finance Bill was enlivened to-day by *Mr. Kyaw Myint* when he controverted the Finance Member's assertion in his Budget speech that the Indian masses showed extraordinary power of resistance in spite of the emergency taxes. The truth of the matter was, the speaker pointed out, that the living of masses was already barest, minimum of which could not be lowered, and that limit of taxation had been reached. Referring to the constitutional problems of Burma *Mr. Kyaw Myint* said, "Until the people of Burma want separation in a clear and definite manner, the Government would not be justified in separating Burma from India."

What was sound finance? asked *Sir Abdur Rahim* in course of a vigorous attack on the Government's financial policy. By sound finance he meant not merely balancing the Budget or restoring equilibrium but improvement in general condition of the masses. The speaker next criticised the Railway policy and wondered why Railway revenues were every year less and making inroads to Depreciation Fund. *Sir Abdur* continuing said there was further room for a substantial reduction in the Army expenditure. He believed money was being spent unnecessarily on the North-West Frontier and urged a proper investigation into the possibilities of saving in this direction.

*Mr. A. H. Ghaznavi* said that the cost of reaching budgetary equilibrium through high taxation had bled India white, and had adversely affected all trades. He enquired how long Government proposed to pursue the policy of maintaining that high taxation. The speaker held that the anticipation that depression was on its last legs would be found illusory, and Government would be well advised to put the House in order by making adequate savings in defence and railway budgets. *Mr. Ghaznavi* criticised the enhanced expenditure on Posts and Telegraphs and said that due to abnormal increase in salaries, village post offices were not paying their way. In conclusion he urged the claim of Bengal for better treatment and said that the duty on foreign salt would be benefiting other provinces at the cost of Bengal without effecting any benefit to the Indian salt industry. Similarly the duty on wheat would be benefiting the Punjab and the duty on textiles be benefiting Bombay at the cost of Bengal consumer, while Government did nothing to improve the coal industry of Bengal.

*Sir Cowasji Jehangir (Jr.)* claimed that the question before them was how and where to apply the axe. It was a very safe budget where eight lakhs were allotted for war debts, and it was easy to reduce the military budget to a figure of forty lakhs which was the same ratio as in England.

*Sir Harisingh Gour* said that the Finance Member did not make a case that there was need for continuing emergency taxation this year and urged complete overhauling of the policy regarding defence and civil side to reduce the expenditure.

The House at this stage adjourned for the day.

**16th. MARCH :—***Sir George Schuster* replying to the three day's debate to-day said that the figures he had quoted showed that there had been no restriction on consumption of commodities, and in the main the poor cultivator had been able to maintain his purchases by refraining from paying rent interests and incurring further debts. Anyone who may be responsible, he said, for running the machinery of administration in India would have to give special attention to the question of agricultural indebtedness, but for the present they, who were now responsible for financial administration of the country, could not be deviated from their course by pure sentimentalism. Their one aim to-day was to preserve the financial existence of the country and keep the ship floating. He said that in this respect he differed from his critics, who asserted that he should take the risk. He, on the other hand, held that the situation required continuance of emergency measures. Alluding to export of gold, *Sir George Schuster* repudiated the suggestion that Government had been depleting the resources of the country. On the other hand Government had purchased seventy million sterling and had parted with certain amount to make sterling payment. *Sir George Schuster* said: "I have been asked by *Sir Abdur Rahim* to define 'sound finance.' Well, it is something different from 'unsound finance'—(laughter). Take the case of U. S. A., whose floating debt is 3000 million dollar. She is the creditor country and has the largest gold stocks. Even she has reached the limit of risk and has to balance her budget in that country. You can take the risk of that kind, but if you took it in India it would be an act of madness. Therefore, by 'sound finance' I mean the policy, which provides for the paying of expenditure of each year by the income of each year and does not put on to the tax-payer of tomorrow a burden which is properly that of the tax-payer of to-day. As the Hon'ble Members opposite are likely to have much closer connection with the responsibility of dealing with the tax-payer of to-morrow, let us incur an odium of taking the proper sum from the tax-payer of to-day." (Applause). *Sir George Schuster* said that he quite appreciated *Sir Abdur Rahim's* argument regarding the need for general economic development of the country, but it was not true that Government were doing nothing. The Punjab, Sind and Madras irrigation schemes were ready, and railway development was remarkable. He added: "The real problem, however, is to raise the standard of life in India, and that can be best done by supplementing agriculture with industrial development. I agree that as it is necessary to raise the standard of life in India there must be some supplementary industrial development. I do not think we can be accused, in last two years, of not having done something towards it." The cotton industry, he said, has been helped and he hoped the millowners would encourage the Indian agriculturist to produce long staple cotton (applause).

*Sir George Schuster* asked the House to remember at the same time that they were passing through a crisis, that efforts were required more towards keeping the head above the water than anything else. A sound policy of economic development or



otherwise, was that they must not increase the burden of interest through capital expenditure without increasing the means whereby that interest could be met.

Sir George Schuster next dealt with the expenditure side and said that whereas Sir Walter Layton commenting on the heavy army budget wished it to be reduced to 48 crores in ten years, the Government of India had reduced it to 46 crores within three years. Sir George Schuster continuing maintained that the Government had justified their present position.

As to the question whether taxation in India was an intolerable burden, he quoted Sir Walter Layton himself, according to whom taxation was only about 6 per cent. as compared with 20 per cent. in Britain and Japan. When they compared United Kingdom with India, he felt, England's difficulties in the next one year or two was going to be far greater than in the case of India. Concluding, Sir George Schuster said: "I ask you to consider the question on its merits, and consider it not as members of irresponsible opposition working under the present condition, but as representatives of the public who may very soon have the opportunity to cross this floor and take over responsibility from our shoulders. When that day comes the present budget proposals would remain a blessing.

The House agreed to the motion for consideration of the Finance Bill.

#### OFFICIAL BILLS INTRODUCED

The House allowed Sir Joseph Bore to introduce his *Bill to supplement the Ottawa Trade Agreement Amendment Act*, and Sir Harry Haig to introduce his *Bill to supplement the Bengal Public Security Act, the Bihar and Orissa Public Safety Act, the Bombay Special (Emergency) Powers Act, and the Punjab Criminal Law (Amendment Act)*.

#### Discussion of the Finance Bill (Contd.)

During discussion of the Finance Bill, clause by clause, the Chair ruled out of order the amendments tabled by *Mr. Maswood Ahmed* for repealing certain clauses of the Supplementary and Extending Finance Bill, on the ground that the said Supplementary Bill did not form a part or come within the scope of the present Bill.

*Mr. Mitchell*, Legislative Secretary, in this connection announced that there was no time-limit for the expiry of surcharges, imposed by the Supplementary Finance Bill, urging clause by clause discussion of the Finance Bill, the House rejected the amendment of *Mr. Maswood Ahmed* for the abolition of Salt Duty after Sir George Schuster had stated that the amendment would cost 656 lakhs of rupees to the Government.

#### REDUCTION OF SALT DUTY URGED

*Mr. Amarnath Dutt* moved the reduction of Salt Duty to eight annas. This was negatived after a brief discussion. He thereafter moved the reduction of salt duty to twelve annas. He was opposed by *Captain Lalchand*, who held that salt duty did not affect the poor, but it was the salt policy of the Government that they objected to.

*Messrs. Jadhav, G. P. Singh and Ramkrishna Jha* supported *Mr. Dutt*. *Sir George Schuster* said that the amendment would result in a loss of Rs. 328 lakhs. The House rejected the amendment.

*Mr. Maswood Ahmed* moved reduction of salt duty by four annas and said that the duty badly hit Bihar and was detested all over India, as a proof of which the people were ready to suffer lathi charges.

*Mr. Amarnath Dutt and Sardar Har Bans Singh* supported the motion, while *Sir M. Yakub* and *Captain Lalchand* opposed it, both claiming that reduction would not benefit the cultivator but only the middle man. *Mr. S. C. Mitra* claimed that the state of emergency had partially disappeared, as was shown by partial restoration of salary cut. Government, therefore, should give a similar relief to the tax-payer, one method of which was to accept the amendment. *Sir George Schuster* explained that the Amendment would not reduce the duty by four annas to five annas four pies. The amendment was rejected by 49 votes against 31.

#### DUTY ON KEROSENE

*Mr. S. C. Mitra* wanted to move reduction of import duty on kerosine to two annas three pies.

*Mr. Mitchell*, Legislative Secretary, pointed out that the amendment was out of order as the tariff duty on kerosine to-day stood at the same figure. *Sir B. L.*

*Mitter* pointed out that the discussion was irrelevant as the amendment was outside the scope of the Bill. The Chair upheld this point.

#### SILK DUTY

After two amendments of *Mr. Maswood Ahmed* were defeated, *Khan Bahadur Vacha* moved the deletion of silk from the operation of duty imposed by the Bill and explained there had been strong representations from trade affected stating the duty would kill the business in that type of silk. The Government on enquiry found that duty would work out to 250 per cent and be on thin silk which did not compete with Indian silk. The amendment would therefore benefit Government revenue, the trade and the consumer.

*Sir Cowasji Jehangir* agreed that handloom silk industry should be protected but thin silk which was affected by the amendment did not enter into competition with the home industry. *Sir Joseph Bhoré* pointed out the whole question of silk protection was under consideration of the Tariff Board whose report was shortly expected. He assured the House that the claims of that industry would be given the same consideration as that of cotton. *Dr. Ziauddin* deprecated attempts at piecemeal legislation for dealing with the question of depreciated currency. *Sir George Schuster* said the proposal was to remove from operation of four annas per yard duty on silk which fact would not make easy for imports competing with silk into India. The amendment was adopted.

Three more amendments of clause 3 moved by *Mr. Maswood Ahmad* were rejected.

*Mr. Mitchell* on behalf of the Government moved substitution of proviso to clause 3 providing that duty on fents of not more than nine yards in length of fabrics specified in sub-items (a) and (b) should be 35 centum ad valorem. He explained the intention of the amendment was to avoid unnecessary trouble to customs authorities opening every package in order to find out square yards of cloth. The motion was accepted.

*Dr. Ziauddin* attempted to move an amendment inserting a new clause. As the new clause attempted to amend the Tariff Act, the President asked the mover to obtain sanction of the Governor-General. *Sir Joseph Bhoré* said he would himself bring forward such an amendment if it was found necessary later. Presently he formally opposed it. The President ruled out the amendment as no previous sanction of the Viceroy was obtained.

Two more amendments of similar nature moved by *Dr. Ziauddin* were also ruled out by the President after which clause 3 as amended was approved. The Assembly then adjourned till the 20th. March.

#### SALT ACT EXTENSION BILL

**20th. MARCH:**—*Sir George Schuster* introduced the Bill amending the Salt (additional import duty) Act of 1931 with a view to giving effect to the Salt Industry Committee's recommendation that the life of the Act should be extended by another year subject to substituting two annas for four annas in Sub-Section of Section 3 and rupees fifty-four and annas twelve for rupees sixty-three and annas eleven in Sub-Section 4 of Section 5.

#### COTTON INDUSTRY PROTECTION BILL PASSED

*Sir Joseph Bhoré* then moved for consideration of the Bill to amend the Cotton Textile Protection Act of 1930 which provided protective duties for three years against foreign competition to give shelter to the Indian mill industry. The present Act expires on March 31 and the Bill seeks extension till the end of October pending full consideration of the Tariff Board report which was received later than Government had hoped. *Sir Joseph* did not want to discuss the policy and principle at present.

*Mr. Muazzam Saheb* supported the Bill while *Mr. Satyen Mitra* and *Mr. C. C. Biswas* opposed it.

*Mr. Satyen Mitra* protesting on behalf of Bengal Consumers vigorously attacked the extension of protective duty even for seven months without giving any reason whatsoever. The Government knew that the Act of 1930 would expire on March 31 and why then the Government did not start the Tariff Board enquiry earlier? He was in favour of giving protection to the nascent industries but wanted to know how long the textile industries were getting protection and what dividends the Bombay, Ahmedabad and Northern India mills had declared and for how long more they would want protection? After food, clothing was a vital necessity and the

people's purchasing power had gone very long. He did not anticipate the Tariff Board's report but he heard that it had recommended further protection. Coming from Bengal where jute and grains prices have gone down by 50 or 60 per cent, Mr. Mitra strongly opposed continued taxation which heavily injured people's buying capacity which was already on the lowest level.

Mr. Mody explained at great length the plight of the textile industry due to depression and said that due to foreign competition the mills were thinking of reduction in wages and short time. Large stocks have been accumulated in all centres and the machinery was at a standstill and 20 per cent output was curtailed. He said that the textile industry was not confined to Bombay alone but all over the country. He repudiated the charges of inefficiency and lack of foresight against the mill-owners and claimed that the Noyce Committee report was a certificate to their efficiency. He asserted that the interest of consumers had not suffered and quoted opinions of foreign deputations who paid tributes to the biggest national industry.

Mr. A. H. Ghuxnavi quoted from the late Mr. Gokhale's speech in the Imperial Council of 1905—"Satisfy Bengal and the rest of India would be satisfied" and said now that policy has been changed and the position was "Satisfy Bombay and the Punjab and bleed Bengal white."

Mr. Joshi attacking the Bombay mill-owners and pleading for improving the labour condition which was the worst in the world declared that industrial position could not be improved by protection to this or that industry but by organised and co-ordinated State efforts in all directions and also by demanding that the industries to be given protection should utilise the benefits by increasing efficiency.

Replying to the debate Sir Joseph Bhore refused to discuss the principle and policy involved in the protection of textile industry or the merits of this particular measure which was entirely inevitable on Government's part.

The Bill was passed and the House adjourned.

#### WHEAT IMPORT DUTY ACT (EXTENSION)

**21st. MARCH :—**Sir Joseph Bhore then moved for consideration of the Bill to extend the operation of the Wheat Import Duty Act of 1931 and explained the position of Wheat as obtained to-day. He said two factors dominated the Indian wheat condition, namely existence of larger exportable surplus this year as compared with the previous year and much lower prices of wheat outside India. He quoted the prices of Australian wheat which were Rs. 2-10-8 per mound whereas Lyalpur sold the same at Rs. 3-4-6. Personally Sir Joseph Bhore disliked import duty on wheat but the conclusion was irresistible as unless the import duty was maintained foreign wheat would swamp Indian markets and squeeze out agriculturists although the consumers' interests lay in the opposite direction. He maintained that the consumers had not been penalised as Indian wheat to-day was much cheaper than any time during the last ten years. Sir Joseph Bhore said that automatic safeguards against abnormal export lay in lower price-level in world markets.

Sardar Sant Singh wondered how India, an agricultural country, could import agricultural products. Lyallpur, the chief wheat producing centre in India, actually imported wheat before import duty on wheat came into force. He observed that the prosperity of the agriculturists, the prosperity of other interests and the interest of agriculturists could be safeguarded in two ways, (1) by reduction of the cost of production and by (2) raising price-level. The agriculturists had to meet their liabilities in rupee which appreciated considerably, so a reduction in the cost of production would involve a revision of the whole system of irrigation charges and land revenue which was difficult. The other course left was the raising of price level to which objection might be taken in the interest of consumers. Sardar Sant Singh held that the consumers' interest could be protected by reducing the Railway freight which was very high.

Mr. Dudhoria opposed the bill as Bengal consumers were hard hit due to wheat selling at Rs. 7 or Rs. 8 per maund.

Mr. C. C. Biswas, speaking on behalf of Bengal consumers, made out a strong case. The duty on foodstuff he considered as a departure from the accepted policy of the Government and the situation to-day was very much different from what it was in the last year and the year before when the duty was imposed because of large stocks in the Punjab, far exceeding the requirements of the home market. He considered the principle of relieving the agriculturists of the Punjab at the expenses



of Bengal consumers as vicious. Mr. Biswas concluded by asking if there were sufficient exportable surplus to make exports easier by reducing the railway freights?

*Sir Joseph Bhore*, Commerce Member, replying referred to the circumstances which compelled the Government to levy the duty on imported wheat. World prices on wheat had gone abnormally down and unless such a measure was taken, India would be flooded with foreign wheat resulting in calamity. Regarding the lowering of railway freights *Sir Joseph Bhore* said that an experiment was made at a cost of 16 lakhs of rupees. He asserted that the extension of wheat producing area which was being given effect to would solve the problems of the consumers.

After leave was granted for consideration of the Bill *Mr. C. C. Biswas* moved an amendment to reduce the duty from two rupees to one rupee per hundredweight but was lost. The original Bill extending the operation of the Wheat Import Duty Act thus passed the second and third reading. The House then adjourned.

### Discussion of the Finance Bill

**22nd. MARCH:**—The Assembly met to-day to discuss amendments to the Finance Bill. *Mr. Ramkrishna Reddi* moved a new entry under head "letters", that for weight not exceeding one tola the postage be nine pies. The mover said that the poor masses did not write letters. It was only about a million people who used the postal facilities, the burden on whom from enhanced rate would be about one rupee per head. He urged that the loss from his proposal might be made up by enhancing telegraph and telephone rates.

*Sir Frank Noyce* claimed that nothing had given him greater pleasure to see the postal rates reduced at the end of the first year of his office as Member, Industries and Labour. The conditions, however, were such that Government were unable to meet the popular demand without departing further from the policy that those who made use of postal facilities should pay for them, rather than the burden be thrown on the general tax-payer. The speaker said that the demand for reduction of postal rates had been generally urged on four grounds, namely, that the policy of self-supporting was wrong on the ground that the department was a public utility one, (2) reduction of rates would result in enhanced traffic and increase in revenue, (3) reduction in rates could be effected through greater retrenchment and (4) accounts of the Department were not properly presented. In regard to the first argument *Sir Frank Noyce* said that the post office was doing many things which were not within the province of the commercial department, such as reduced rates for press and newspapers and rural post offices. There was, however, a limit to such activities and there should be some attempt at balancing the profit and loss. *Sir Frank Noyce* said that during normal times it was likely that the reduced rates would result in enhanced traffic, but there was still trade depression and agricultural slump. Reduction of rates at present, therefore, would not bring in extra revenue but would result in a greater loss. The amendment proposed by *Mr. Reddi*, for instance, was expected to result in a loss of sixty-two lakhs and of *Mr. Maswood Ahmed* nearly of three crores. *Sir Frank Noyce* said that the memorandum, he had calculated, would show that the Post and Telegraph Department had carried out retrenchments to a great deal, but if the full cut was still in force, there would have been a loss of 29 lakhs, which showed that things were not still satisfactory. In regard to the last argument, the speaker said that the accounts had recently been examined by *Sir Cowasji Jehangir* Committee. *Sir Frank Noyce* said that the suggestion of *Mr. Reddy* regarding meeting the loss from enhanced telegraph rates was impracticable. The law of diminishing returns, he said, was set in the case of telegraphs much earlier than in postal services. In conclusion, he assured that as soon as conditions permitted reduction would be given effect to. The motion was rejected.

*Mr. Sitarama Raju* and *Mr. Amarnath Dutt* moved other amendments which were all rejected after *Sir Frank Noyce* and *Sir T. Ryan* had pointed out the enormous loss involved.

*Mr. S. C. Mitra* moved an amendment for reducing the cost of letters to one anna. Several members supported.

*Sir Frank Noyce* pointed out that normal conditions had not yet reached, and acceptance of the amendment would mean a loss of forty-one lakhs at an uncertain period. Government would reduce the rates as soon as better times set in. The amendment was rejected.

*Mr. Amarnath Dutt* moved another amendment for reducing the rate of post-card to the old level of quarter anna, and reply card half anna.

Three more opposition amendments in order to reduce rates of postcards and envelopes were also rejected. Mr. Mitra's motion reducing reply postcards and postcards to one anna and half anna respectively was negatived by 46 to 25 votes.

After adopting schedule 1 of the Finance Act relating to the postal rates the Assembly adjourned.

#### SALT IMPORT DUTY (EXTENSION) BILL

**23rd. MARCH :—***Sir George Sehuster* moved to-day the Salt Additional Import Duty Extending Bill. In doing so he said that the salt policy of the Government was to meet the desire of the Indian People that India should be made self-supporting in regard to her salt requirements.

*Mr. Morgan* opposed the motion saying that Bengal had a strong case for abolition of the duty.

*Mr. Maswood Ahmed* also opposed and pleaded the case of Bengal and Behar which were hard touched by the additional duty though it was reduced.

*Mr. B. Das* supporting the motion said that India could supply all her requirements and did not require foreign salt. That was, he said, the Congress cry and pleaded for protection of Indian manufactures of salt. He referred to the Gandhi-Irwin Pact whereby the manufacture of salt was allowed in near sea-coast. He hoped that Bengal would give up the taste of foreign salt.

*Mr. C. C. Biswas* narrated the history of salt and the additional duty imposed on it and reviewed the whole position. Remarking that India was self-supporting in the supply of salt he held that if there were real genuine efforts made in that direction no Province in India would be found wanting to help that effort but the question of making India self-supporting was not the same as putting money into the pockets of a few merchants of Aden. *Mr. Biswas* held that inland sources in India could not be developed to such an extent as to supply the demand for salt of Bengal, Bihar and Orissa on economic and competitive price.

Continuing *Mr. Biswas* made a strong case for Bengal against the continuance of additional duty on salt and enquired whether it was justified any longer to ask Bengal to bear the additional duty in view of the fact that the object of the salt policy was defeated as Khewra could not be expected within a reasonable distance of time to compare with foreign salt. He pointed out that the attempt to stabilise the price of salt at a high level when the prices of other commodities were low and unstabilised would hit hard the consumers of Bengal. *Mr. Biswas* appealed for the abolition of the duty of salt and held that it would be wrong to give any longer preference to Aden which had shown grand-motherly affection.

*Diwan Lalchand Navalrai* supporting the motion said that he wished he could increase this protective duty or maintain a "status quo" at four and half annas but as that was not possible he would accept the remaining alternative of two and half annas. He tilted Bengal for remaining idle and not taking advantage of the protective duty like other salt manufacturing Provinces. He wanted Bengal to make sacrifices until the Indian salt industry was self-sufficient.

*Mr. Ghuxnavi* while making an emphatic protest against the salt duty claimed that the Bengalees were more Swadeshi than people in the other provinces of India and they took a vow not to touch the Liverpool salt during the Swadeshi movement days. But the people of Bombay took advantage of Bengal's swadeshi vow and Bengal was bled white. *Mr. Ghuxnavi* asserted that if the additional duty on salt was spent to help an Indian industry, he would be the last person to oppose the motion.

*Mr. K. C. Neogy* felt distressed at the fact that provincial jealousy was given vent to in the discussion of economic questions. He regretted the lack of enterprise which was shown in starting salt manufacture in Bengal. *Mr. Neogy* held that Bengal could revive the lost industry of salt manufacture by taking advantage of the protection offered and supported the motion.

*Mr. Jadhava* was afraid if any relaxation in the protective policy might result in the manufacturing provinces being glutted with foreign stuff. He described Bengal's peculiar taste for fine Liverpool salt as the root cause of the whole trouble which was hotly contradicted by *Mr. Satyen Mitra* who read extensively from the Report of the Tariff Board and evidence before the Parliamentary Committee in 1853 by the then Home Secretary of India showing that Bengal was not allowed to manufacture salt which she liked to do extensively and not as grain of foreign salt would be imported if the restriction was withdrawn. He supported the Bill as it would serve the main purpose, namely, stabilisation of prices and avoidance of fluctuations which used sometime to vary from Rs. 58 to Rs. 125.

*Sir George Schuster* replying said that the main object of stabilising price and avoiding fluctuations was attained. He explained the difficulty in giving effect to the recommendations of the Tariff Board which made it clear in the early part of the report that there was no case for protection to be given to Aden or Indian sources and at the same time their recommendation in effect was like providing protection. Government introduced a balancing scheme of stabilising the price from going too high or falling too low. He pointed out that in view of the fact that the prices of commodities had gone so low that it would be a real burden to the consumer, if the duty were not reduced. So steps had been taken to reduce the price level from Rs. 66 per hundred maunds to Rs. 55. If the present duty were found not in the interest of Indian industry, the policy would have to be reconsidered after twelve months.

The first reading of the Bill being over, *Mr. Morgan* moved an amendment urging to make Liverpool salt duty-free. He claimed this on the ground of imperial preference. *Mr. K. C. Neogy* opposed the amendment and gave a history of how the salt industry in Bengal was destroyed for the sake of Liverpool salt and pleaded that the Liverpool salt should be taxed more. *Sir George Schuster* said that the Government attitude was against the amendment which was lost.

*Mr. Morgan's* next amendment seeking reduction of duty on Liverpool salt also met with the same fate. The second reading of the Bill was then passed and the House adjourned.

#### Child Marriage Restraint Amend. Bill

**24th. MARCH :—**The House resumed to-day discussion on *Khan Bahadur Wajuddin's* motion that the Bill to amend the Sarda Act be circulated for eliciting Muslim opinion thereon. *Sir A. Suhrawardy* disclaimed the insinuation that on a previous occasion he prolonged his speech to block the introduction of the Anti-Untouchability Bill in conspiracy with the Government. He characterised the Sarda Act as a violation of the personal law of Muslims and quoted English law on the subject.

The *President* pointed out quoting rulings that at that stage of the discussion when the motion related to whether the Bill should be circulated for eliciting public opinions or not, members should not discuss in details the Bill. He hoped that a convention would be followed during discussions to-day. Before the conclusion of his lengthy speech pointing out the inapplicability of the Sarda Act to Moslem law and tradition he appealed to the Government, Europeans and orthodox Hindus and Parsis to remain neutral. At this stage insistent and simultaneous demands for continuance of the debate and closure arose from various parts of the House.

*Sir Fazl Hussain*, while explaining the Government's position on the motion for circulation of the Child Marriage Restraint Repealing Bill, met the objections raised by members to the effect that the Child Marriage Act was interfering with the Islamic religion. He next explained that Government treated the Bill as a social reform measure and had no intention of interfering with the religion of any community. *Sir Fazl Hussain* was of opinion that the circulation of the Bill would serve no useful purpose. So he opposed the motion.

The motion for circulation of the Bill was pressed to a division and lost by 44 to 46 votes.

#### The Temple Entry Bill Passed

*Haji Wajuddin*, *Sir Hari Singh Gour* and *Mr. Jadhav* waived their right to move their bills amidst cheers, so that *Mr. Ranga Iyer* was called on to move the introduction of the Temple Entry Bill.

The Bill is officially owned by 11 members of the Assembly, the names of all of whom appear as signatories to the bill as its joint authors. They are Messrs. *Ranga Iyer*, *Dewan Bahadur Harbilas Sarda*, *Shanmukham Chetty* (now appointed *President*), *Rama Krishna Reddy*, *K. C. Neogy*, *Bhai Permanand*, *Lalchand Navalrai*, *Gaya Prasad Singh*, *Sardar Sant Singh*, *B. V. Jadhav* and *S. J. Jog*.

Similarly, *Mr. M. C. Rajah's* Anti-Untouchability Bill is sponsored by *Mr. M. C. Rajah*, *Mr. Ranga Iyer*, *Mr. Rajaram Pandian*, *Mr. S. C. Mitra* and *Mr. Gaya Prasad Singh*.

*Mr. Lahiri Choudhury* wished to raise a point of order whether a member tabling the motion of introduction and consideration on the day was not violating the convention of the House.

The *President* said the point of order was premature.



Mr. *Thampan*, thereupon, took a quarter of an hour in going through the various provisions of the Government of India Act to prove that as the bill related to a provincial transferred subject, it was *ultra vires* of the legislature.

Mr. *R. S. Sarma* said the point of order was irrelevant.

Mr. *Ramaswami Mudaliar* said the provincial subject related to property rights in religious endowments, while intangible rights of a civil character were under the central sphere.

*Babu Gaya Prasad Singh* said if it had been *ultra vires* of the Indian legislature how could Mr. Chetty (now holding the Chair) been allowed to introduce a similar bill a year ago.

*The President* said the point of order was important and lucidly explained the legal position. He said the Indian legislature had unlimited powers to make or repeal laws in British India and that the restriction sought to be imposed by defining provincial subjects was also governed by the provision that with the previous sanction of the Governor-General even legislation on provincial subjects could be promoted in the Indian legislature. In this case the previous sanction of the Governor-General had been taken. He ruled the point out of order and asked Mr. *Ranga Iyer* to move his bill.

Mr. *Ranga Iyer* did so without a speech and said: 'Brevity is the soul of wit.'

*Sir Vasudeva Raja* knew there was a convention that the motion for leave to introduce a bill should not be opposed at that stage. But it was only a convention and owing to the extreme character of the subject-matter of the bill he most reluctantly broke the convention. The speaker referred to the solemn pledge of Queen Victoria that the State would never interfere in matters of religion. The bill was a most dangerous experiment calculated to disrupt the Hindu community. Public men to-day were urging for communal unity, but the bill sought to bring about disaffection and disunion in the Hindu ranks, and he asserted if leave was given to introduce the bill it would create a huge agitation in the country, the consequences of which it was difficult to foresee.

#### OTHER NON-OFFICIAL BILLS INTRODUCED

The House allowed the bill to be introduced and also the bills of Mr. *Raghubir Singh* to protect minor girls, Mr. *Joshi* to further amend the Indian Penal Code and the Code of Criminal Procedure, Mr. *Ranga Iyer* to provide for the abolition of untouchability among Hindus, Mr. *Maswood Ahmed* and Mr. *Misra* to amend the Child Marriage Restraint Act, *Sir Abdullah Suhrawardy* to further amend the Mussalman Waqf Validating Act, *Dewan Bahadur Sarda* and Mr. *Jha* to fix the amount of maintenance to which Hindu widows are entitled, *Babu Gaya Prasad Singh* to abolish capital punishment, Mr. *M. C. Rajah* to further amend the Code of Criminal Procedure, Mr. *Joshi* to amend the Code of Civil Procedure, Mr. *Sarda* to prevent juveniles from smoking tobacco, Mr. *Misra* to amend the Indian Penal Code and the Indian Police Act, Mr. *Amarnath Dutt* to remove doubts about the application of the doctrine of representation in the case of succession to *Stridhan* under *Dayabhag* and to amend the Bar Councils Act, Mr. *Ranga Iyer* to amend certain provisions of the Indian Penal Code relating to offences under chapters six and eight, Mr. *Mitra* to amend the Imperial Bank Act and *Pandit Jha* to amend the Code of Civil Procedure for certain purposes.

#### The Temple Entry Bill—Circulation Motion

Mr. *Ranga Iyer* next moved that the Temple Entry Bill be circulated to elicit public opinion by July 30.

*The Chair* said the motion was a serious departure from the convention that no other motion be made on the day a bill is introduced. He reminded the House that there already had been a departure from the convention in as much as that *Sir Vasudeva Raja* opposed the motion at the introduction stage and he said he very much deprecated all such attempts which broke away from the convention.

Mr. *Ranga Iyer* expressed gratitude to Government for their providing facilities to Mahatma Gandhi to conduct a campaign against untouchability from behind *Yarvada* jail bars. The bill would purify and unite the Hindu community and he appealed to the Mussalman and Christians not to oppose the measure as untouchability was unknown in their religions.

*Raja Bahadur Krishnamachariar* then opposed the circulation motion and said the uplift of the depressed classes was not religious but an economic question. Without the caste system there would be no Hinduism and the Bill sought to drive

a wedge amongst Hindus and the speaker asked what credentials Mahatma Gandhi held to interfere in a matter relating to Hindu religion. Mahatma Gandhi's fault was that he so rapidly changed his opinions. After his South India tour some years ago he had stated that South India Hindu temples were brothels. Raja Bahadur Krishnamachariar said, 'I conduct brothels and am not ashamed of it. But if temples were brothels why Mahatma Gandhi was so anxious to introduce the depressed classes into those brothels? So far as Government were concerned their point of view as understood by certain people in the country was that they had allowed certain facilities to Mahatma Gandhi in order that they might be relieved of their anxiety over politics. They knew Mahatma Gandhi would not succeed in this matter of Hindu religion. Concluding, Raja Bahadur Krishnamachariar while supporting circulation urged that the date fixed for it should be Dec. 31 instead of July 31.

Mr. S. C. Mitra supported circulation amongst heads of religious institutions, secular heads, trustees or administrators of village temples in consultation with Hindu villagers and collectors of the districts for ascertaining the opinion of the lay people likely to be affected by this bill and not amongst Arya Samajists, Brahmos and Hindu Mahasabhaites who had no faith in temple worship. In this connection he maintained that the referendum taken at Guruvayur was not fairly conducted. He urged that on such a vital question they must consult the vested rights which they were now trying to take away.

Mr. Gunjal, opposing circulation, at length, dwelt on the Congress policy of boycott of legislatures. He asked the House in pursuance of that policy not to support the bill. The House at this adjourned.

#### SALT IMPORT DUTY (EXTENSION) BILL

**25th. MARCH :—**The House resumed the discussion on the Salt Import Duty Bill to-day. Mr. Gayaprasad Singh, resuming the discussion, alleged that Government was still hesitating to give full support to the indigenous salt manufacturer. Mr. Jadhav and Seth Haji Abdulla Haroon supporting, pointed out that the price of salt in Bengal was cheaper than in Bombay. Mr. Ramkrishna Jha, Mr. S. C. Mitra and Mr. Azhar Ali supported it in the interest of local manufactures.

Sir George Schuster emphasised that the only consideration which influenced Government in their salt-policy was the interest of the consumer. He strongly asserted that whatever be his private sympathy with British interests, so far as official matters were concerned, he did his best to look to the interests of the consumer. As to the enquiry about imports of Liverpool salt he assured that it was merely a departmental enquiry and Government decision would be taken after full discussion in the Assembly. Over the question of salt policy Government always tried to follow the wishes of a majority of the representatives of the public in the Assembly and that policy still continued to be their policy. (Applause).

The Salt Import Duty Bill was passed.

#### Discussion of the Finance Bill (Contd.)

##### CHEQUES EXEMPTED FROM STAMPS

Further consideration of the Finance Bill was then taken up.

Mr. S. C. Mitra moved deletion of Clause 5 relating to stamp duty on cheques. He quoted the Banking Committee Report in his favour.

Dewan Bahadur Ramaswami Mudaliar feared that they would be frustrating the establishment of the reserve bank if they put obstacles in the way of the banking system in the country. The proposed duty was purely for provincial purposes, and if they once agreed to this, the local Government would always bring more pressure on the Central Government and try to enhance the duty.

Sir Cowasji Jehangir, disagreeing with the previous speakers, held that provincial budgets were as much the concern of the Central Government. However, he thought it an insult to offer a paltry sum of seven lakhs while many provincial Governments required more.

Mr. K. C. Neogy recalled one of the conditions on which provincial contributions were reduced. It was to equalise to a certain extent loss through the abolition of the stamp duty. Referring to Sir Basil Blacket's speech in 1927 he asked whether duty on Bills of Exchange will be also distributed among provinces.

*Sir Hari Singh Gour* pointed out that considerable labour and time was involved in counting rupees in currency which could be avoided if the cheque habit is widely resorted to. Time and experience had fully justified the abolition of stamp duty.

*Mr. Dudhoria* thought seven lakhs could have been easily secured from the army budget.

*Sir George Schuster* felt the opposition had overstated their case. The Government view of this question was that although the proposed change was in principle undesirable, on the evidence they possessed they could not really believe the reimposition of duty on cheques would greatly hamper the banking habit. In full discharge of their responsibilities Government had to consider the interest of provinces as well. He could not reconcile the present position with that existed six or seven years ago. To *Mr. Neogy's* question the Finance Member stated there was no chance of any benefit to the Central Budget.

The House divided and rejected the amendment by 38 against 51 votes.

When Schedule 2 to Clause 5 was put to the vote the House again divided and negatived the Schedule by 43 to 48 votes, the result being that the entire Clause 5 was rendered negatory.

#### REDUCTION IN INCOME-TAX

*Mr. S. C. Mitra* moved an amendment to delete the item in the schedule in Clause 6 which provided the taxable limit to Rs. 100. He pointed out that even small street vendors and tongawallas had been subjected to a heavy burden.

*Mr. Ramkrishna Reddi* emphasised that the income of the seventy lakhs under the head was not commensurate with the ten lakhs spent in collection.

*Sir George Schuster*, replying, asked the Opposition to consider the prospect of unemployment of a thousand of income-tax employees. He traced the history of the income-tax and pointed out that originally the taxable level was 500 and later it was raised to 1000 and it was only in 1919 that ultimately it was fixed at 2000. There has been a tremendous fall in prices recently and particularly this class has benefited fairly. Proceeding, the Finance Member alleged that the opposition had considered the question in an atmosphere of unreality and urged they were on the eve of constitutional changes when so many considerations like the separation of Burma, separate provinces like Sind, Orissa and generally the policy of currency and federal finance stood in their way. If they now attempted to cut the structure they would be cutting the very root of the principle of even distribution of taxes. Though India's position looked stable, it will be a very long way before they could consider the position absolutely secure.

The House divided. *Mr. Mitra's* amendment was rejected by 41 against 56 votes.

*Mr. Amarnath Dutt* moved an amendment suggesting reshuffling of the scale of income tax raising incidence to Rs. 2000. *Sir George Schuster* opposing pointed out that the amendment would result in a loss of Rs. 220 lakhs. The amendment was rejected.

*Mr. Jog* moved an amendment proposing raising of incidence to Rs. 1,509. The House at this stage rose till the 27th.

**27th. MARCH :—**Resuming discussion of the Finance Bill to-day, *Mr. Sadiq Hossain*, supporting *Mr. Jog's* amendment moved on the 25th., said that the income of the people had been reduced on account of trade slump and agricultural depression and they had been forced to lower the standard of living. The proposal of the Finance Member would further hit this class of people.

*Mr. C. C. Biswas* also supported *Mr. Jog*.

*Sir George Schuster* spoke at length and asked the House to realize the gravity of the vote on the subject. Besides loss of 35 lakhs to the Government which they could ill afford in the present state of emergency, the issue involved was whether they should let off small income-tax payers who were mostly money-lenders from the burden of direct taxation. He also mentioned that the result of the amendment giving relief to the tax-payer up to 1500 would be a loss to the provinces.

*Mr. Jog's* amendment was negatived.

Thereafter *Mr. Rahimtoola Chinoy* moved an amendment reducing from four to two pies the burden on incomes between one and two thousand. He pleaded that the lower middle class man was most hard hit because owing to depression and unemployment each bread-winner in the family had to maintain several people. His motion would also keep employment of thousand clerks doing this assessment work.



*Sir Leslie Hudson* claimed the European group stood for sound finance and would not support proposals for balancing the present budget. He, however, lodged a protest against the statement of the Finance Member that the remaining salary cut should be the first charge on the Government's improved finances which they would restore. The speaker said the class of small businessmen was on the verge of extinction and should be given relief. *Sir Leslie Hudson* said though he had sympathy with the amendment, he did not stand for narrowing down the basis of taxation. He, therefore, suggested that the amendment should be withdrawn and the European group would support the next amendment of *Mr. Ibrahim Ali Khan* as amended by *Mr. James*. This proposal would result in a loss of Rs. 18.17 lakhs which would still leave the present budget surplus.

*Sir George Schuster* replying to the debate asserted that it was not his business to issue threats. He only told them what would be the results if the House took a certain line of action. The Finance Member warned the House that any wreckings of the present position would have serious consequences.

Although on account of export of gold their present position looked better, they should face the realities. They must realise that the future constitution outlined by the White Paper, would necessitate handing up of certain present central revenues to provinces. They would, for instance, have to surrender three crores if Burma was separated, two crores on account of separation of Sind and Orissa and another two crores on the creation of the reserve bank on account of currency in addition to a part of income-tax. *Sir George Schuster* said there would be no chance for a Federal Government without maintaining a high level of taxation and was therefore necessary for them to keep the present features of the Finance Bill and not to break away from the present financial framework. By the amendment the surplus of 12 lakhs would be reduced to 5 lakhs which would be undesirable. A further gradient from income of Rs. 2000 and above would be a very steep one from that of Rs. 1000-2000 and would rise from two pies in the rupee to seven pies in the rupee.

The amendment was rejected by 47 votes to 57.

*Mr. Ibrahim Ali Khan* moved that income from 1000 to 1500 be taxed at two pies in the rupee and from 1500 to 2000 four pies. He was supported by *Mr. Gunjal*.

*Mr. James* moved adding a proviso to the amendment that for the purpose of any assessment to be made for the year ending 31st. March 1934, the rate of income-tax applicable on such part of the total income of the assessee as it derived from salaries or from interest on securities paid in the financial year 1932-33 should be four pies in the rupee, and for the purpose of refunds under sub-section 1 or sub-section 3 of section 48 in respect of dividends declared in year ending 31st. March 1933 or of payments made in the said year in the interest on securities or salaries, the rate applicable to total income of person claiming refund should be at four pies.

*Sir George Schuster* remarked that Government's view was that still there was no room for concession and a sum of 17 lakhs cut by a amendment was no small amount. There were many urgent demands such as the case of the University grants for Aligarh and Benares, which the Government viewed with great sympathy, but when the year left closed, they were without any margin to meet the extra demands. He opposed it as strongly as any other amendment which he was glad the House had rejected earlier.

On *Mr. James'* motion by 59 votes against 33 the Assembly made another change in the Finance Bill by reducing the income-tax to two pies in the rupee for the income between Rs. 1,000 and Rs. 1,500 with a proviso. This will mean a loss of Rs. 17 lakhs of income.

*Pandit Sen* moved for omission of Part 3 to Schedule 3 of the Finance Bill which provided for summary assessments of income-tax on the total income of less than Rs. 2,000.

*Sir Cowasji Jehangir* raised a point of order and said that Part 3 to Schedule 3 was amendment to the Income-tax Act and should find a place in that Act and not in the Finance Bill. It was unfair to the House to bring the amendment to another Act through the Money Bill. If the amendment was separately put they might have sent it to a select committee. The danger in the procedure would be that the Government could amend any Act through the Taxation Bill. The speaker said the method of collecting revenues should be out of order from the Money Bill.

*Dewan Bahadur Ramaswami Mudaliar* pointed out that the subject matter of Part 3 to Schedule 3 found no place either in the title or the preamble of the Finance Bill. Therefore, it was out of order.

The *Chair* advised the Government to consider all the sides of the question and state their case to-morrow before he gave his ruling. The Assembly then rose till the next day.

### The Finance Bill Passed

**28th. MARCH :—***Sir George Schuster* defending the Government position on the point of order raised yesterday, whether the Finance Bill could contain a reference to the assessment of income-tax without mentioning the same in the preamble, said that, while he agreed with the principle, he felt that in the present case the provisions always appeared in the British Finance Act.

Mr. C. C. Biswas, Mr. K. C. Neogy and Mr. B. V. Jadhav contended [that the preamble should express the purpose of the Bill and quoted a previous ruling of the President given early this month to strengthen their point.

The President, while maintaining his previous ruling that the scope of the Bill was to be sought in the title and the preamble, gave a supplemental ruling that the title and the preamble were not to be considered an exhaustive catalogue of the purposes of the Bill and that the proposed amendment, being consequential to the fixation of new rates of taxation, was in order. The Government had probably resorted to this procedure in view of the character of the provision, but the President suggested that if it was wished that this should become a permanent feature they should proceed with the amendment of the Income-Tax Act and give the House an opportunity through the Select Committee to examine the matter fully. (Cheers)

The debate on the Finance Bill was thereupon resumed.

All the amendments moved to-day to the Finance Bill having been rejected, some consequential amendments due to the two changes in the Bill were carried. The House thereafter commenced the third reading of the Bill.

Dr. Ziauddin Ahmed said that from the time of the French Revolution period the political theory outside India had been that the Government existed for the people. In India the theory was that the people existed for the comfort of the Government. The speaker urged that efforts should be made to restore the normal practice of making payments in Great Britain through a favourable balance of trade. He criticised the policy of granting loans to the Railways, of provincial governments and Indian States and also the policy of holding foreign securities in place of gold in currency reserve. He urged the abolition of the export duty on hides and skins and pleaded the case of duty on candy. Through the present policy in respect of candy the Government were making a present of thirty-two lakhs a year to Japan.

Dr. Ziauddin, in conclusion, wanted a Mussolini in India to effect radical changes in the method, system and programme of education which alone would solve the problem of unemployment.

Mr. Ghuznavi pointed out that since 1916 Bengal had paid the Central Government nearly fifty crores through jute duty which had reduced Bengal into a deficit province. He lodged an emphatic protest against the export of gold which he asserted had been condemned by every non-official member of the Assembly. He next urged an immediate embargo, failing which the country would lose all that counted for rainy days in the poor man's house.

*Sir George Schuster*, closing the debate, said that the House had reduced the estimates by seventeen lakhs though, he felt, the margin left was inadequate. He wished that the future would show that he was wrong and the House right. Regarding the securities he pointed out that his forecast had come true and there was an improvement in prices of government securities during the last four weeks with the result that those who took advantage of the conversion congratulated themselves. Replying to Mr. Ghuznavi in regard to the export of gold, he said that it was true that the policy had been able to answer the question he had put to the House whether they were prepared to face the practical results of placing an embargo on the export of gold.

The House passed the Finance Bill without a division.

### SUPPLEMENTARY GRANTS VOTED

*Sir George Schuster* then moved a series of demands for supplementary grants numbering 33 items all of which were passed without division. When the grant of Rs. 46,000 in respect of the Viceroy's household camp up, Mr. S. C. Mitra asked why the telegraph expenditure increased by Rs. 27,000 over provision.

*Sir George Schuster* explained that owing to impending constitutional change

there was a lengthy and urgent communication proceeding daily between the Viceroy and the Secretary of State which entailed a lot of expenditure.

The grant was approved.

On the grant of the Imperial Council of Agricultural Research, Mr. Maswood Ahmed complained that research into paddy was not properly carried out in his own province of Bihar. Mr. B. Das supporting deplored Orissa had been completely neglected and only vested interests of Bombay, the United Provinces and Madras benefited by the Research Council. Mr. Gayaprasad Singh deplored provincial feeling while Mr. Mitra complained that the grants from the Council were not evenly distributed among the provinces. He particularly asked why no sugar research institute has been set up in Bengal.

Mr. Bajpai, Education Secretary, replying assured the Council that they had a specific research programme in hand as regards paddy and new kinds of fertiliser had been introduced to improve paddy crop. As to Mr. Das's complaint, Mr. Bajpai advised him to wait till the new provinces were set up when Orissa will be effectively represented in the Research Council through its Minister. He promised Mr. Mitra to convey the suggestion of sugar research institute in the Bengal presidency.

The grant was adopted and the Assembly adjourned.

### Debate on the White Paper

**29th. MARCH:**—In the Assembly to-day *Sir B. L. Mitra* moved: "That the White Paper containing the proposals for Indian constitutional reforms be taken into consideration." He informed the House that the Government had decided to take no part in the debate to discuss the proposals. The primary intention of His Majesty's Government in issuing the White paper was to elicit public opinion and the Government, therefore, thought it suitable that discussions be confined to non-officials.

*Sir Abdur Rahim*, Opposition leader, rose amidst continued applause to move his amendment: "That for the original motion the following be substituted.

"This Assembly requests the Governor-General-in-Council to His Majesty's Government that in the opinion of this Assembly unless the proposals for constitutional reforms are substantially amended in the direction of conceding greater responsibility and freedom of action to people's representatives in the Central and Provincial spheres of Government it will not be possible to ensure peace, contentment or progress of this country."

To *Sir Abdur Rahim* the Government attitude seemed to be strange and inexplicable as he could not understand why the Government decided not to contribute to the debate on questions affecting the fate and future of millions of Indians specially when *Sir Samuel Hoare* explained the scope and trend of the proposals in the commons.

*Sir B. L. Mitter*: Government would offer explanation or remove misunderstanding regarding particular passages or points but keep silent over the general discussion.

Continuing, *Sir Abdur Rahim* said that the moderately worded motion must not be mistaken for moderate feelings in the country regarding the reactionary proposals which had evoked universal commotion and indignation. He pointed out that the proposals were not on the lines of the declaration of the Prime Minister contained in the command paper. Continuing, *Sir Abdur Rahim* wanted a clear answer as to what did the British Government mean by the period of transition. He asked, was it the period of probation during which time India was to satisfy her Imperial masters as to her capacity for self-rule or was it the intention of His Majesty's Government under the plea of the period of transition to hold periodical examination as to the capacity of Indians for self-rule. If that was so there was going to be no definite end to the discontent in the country. Condemning the safeguards and the reserve powers, *Sir Abdur Rahim* held that the White Paper did not indicate any limitations thereupon while the emergency powers of Governors generally approximated the powers now conferred by section 144 of Criminal Procedure Code. Now these safeguards and reserve powers could be brought into operation whenever necessary and who was to judge when it was necessary?—Surely the executive head. He then bitterly opposed the proposal for a Financial Adviser and the three Councilors being tagged to the Viceregal paraphernalia. He drew a gloomy picture of the powers of the future Federal Legislature and specially the Lower House which was being far more restricted than now as the Army and Railway Budget under



the Statutory Railway Board would be placed beyond its purview. Sir Abdur Rahim reiterated the opposition to federation with the States which would blend medievalism with modern progressivism. How was it possible for the States' nominees to discuss Indian subjects and remain immune for the sake of rights and privileges with a view to help British India to achieve responsible Government. There was considerable difficulties especially regarding allocation of seats. He criticised the complete control of the Services by the Secretary of State and regretted the omission of a formula regarding the settlement of communal proportion in the services which caused much anxiety among the minorities. He protested against constituting Second Chambers for Bengal and the United Provinces which were so far carried without costly appendage of Second Chambers. He hoped that the proposals would be suitably amended to make India happier and worth the cost of worry and trouble.

Briefly narrating the history of constitutional development, *Sir Leslie Hudson* declared that the Montford Reforms were only transitional and met a half-way house of India's political aspirations but worked amazingly well. He stressed the necessity of the safeguards in the present condition of unstability prevailing in the world—the necessity typified in Signor Mussolini and Mr. Roosevelt in his latest action—and cited for instance the case of China where chaos was prevailing because of the lack of safeguards. As an insurance against anarchy and disruption of social structure he welcomed the safeguards but some of them he condemned as unnecessary and unsatisfactory specially those governing the classification of Federal and Provincial subjects.

*Mr. B. Das* confessed that he was absolutely shocked when he compared the constitution given in the White Paper with the pledges given by the British Government all these long years. The White Paper did not give any constitution, it was only the safeguards which they got. *Mr. B. Das* continuing his speech narrated the discontent prevailing among the Oriyas over the Boundary Award. He said the exclusion of Jeypore and Parlekimedi, which were recommended by the O'Donnell Committee was deeply resented. He took objection to the administration of Baluchistan being wholly non-voted. Personally, *Mr. Das* did not like the Princes joining the Federation as they were demanding paramountcy.

In accordance with the suggestion of the President Chetty, *Sardar Sant Sing*, *Messrs. Misra, Thampan, Murtaza Saheb, Rajaram Pandian, Maswood Ahmed, Anklesaria and Bhai Paramananda* withdrew their amendments covering specific points while *Sir Abdur Rahim's* was of a general nature.

*Bhai Parmanand* went into great detail to prove how dishonest the communal award was on which the new constitution was going to be based. He characterised the Communal Award as vindictive, mainly devised to punish the Hindus on account of their agitation which they were carrying on against the Government, but he challenged the Government to prove that the Hindus as a class were anti-Government. He was struck with wonder as to how in pursuit of the logic the most illogical decision could be arrived at, namely, that Hindus who formed 75 per cent of India's total population were being reduced to a minority as far as representation with Federal Legislature was concerned. He was surprised to find even *Sir Abdur Rahim* supporting communal representation on public services specially of Mahomedans thus betraying communalism. He was pained to find the scheme evolved by the Minorities Committee of the League of Nations to which India was a member, treated as a scrap of paper. If that scheme was accepted the gross injustice now being done to Hindus could be obviated but the exigencies of politics induced the British Premier to give such a communal award.

Amidst cheers *Sir Cowasji Jehangir* observed that the White Paper was not prepared for the consumption of this House but for the House of Commons. The wide powers given to the Viceroy under Special Responsibility was unfair because only a superman could properly exercise those powers. The Viceroy has been put in a extraordinary position being vested with unlimited powers to interfere for maintaining the financial stability, and the credit of India. He hoped the Federal Assembly won't be so mad as to resent the Viceroy's interference when, say, continued deficit budgets are met by loans borrowed at high interest. But what about the occasions when he will necessarily be tempted under ambiguous and undefined Special Powers, to interest with legitimate responsibilities of Ministers? Regarding commercial administrative discrimination he assured the Europeans that they would secure better results in case the ministers did injustice by appealing to the legislature and through it by censuring the ministers concerned than by asking the Viceroy to employ his

special powers. Sir Cowasji Jehangir maintained that suggestion of the Reserve Bank definitely conflicts with the Prime Minister's statement and therefore retrograde. He specially attacked the provisions in paras 37, 38 and 39 which make the ministers irresponsible to the legislature and yet retain the office.

*Sir George Schuster*, Finance Member, referred to the subject-matter of the Reserve Bank and the Statutory Railway Board. He reminded the House that at the Third Round Table Conference the Secretary of State had made it clear that Indian opinion would be consulted in respect of both these matters. Continuing he said:

I am now authorised to state that special discussion would be held with the representatives in both these matters simultaneously by the Joint Select Committee and representatives of Indian opinion would be invited to proceed to London, for these two questions would have full consideration and the selection of names that may be put forward by the Government will take full account of the interest of this legislature in the matter.

**30th. MARCH:**—The first speaker to-day to initiate the debate on the White Paper was *Mr. Ranga Iyer* who, by of way preliminary remarks, deprecated the attitude of extremists on both sides, those across the ocean maintaining that the new reforms were tantamount to abdication of British authority in India, while the Left wingers of this country inclined to discredit the reforms as inadequate, unsatisfactory and absolutely disappointing. He wittily remarked that the extremes always meet. Turning to the question of safeguards, he reminded the House that even Mahatmaji, when he entered into a Pact with Lord Irwin, agreed to safeguards during the transitional stages, but what he most strongly decried was that the safeguards which should have been demonstrably in the interests of India would have quite the contrary effect now, specially the financial safeguards. He condemned the idea of Indians being saddled with a Financial Adviser and recalled the parallel of the Egyptian constitutional history. He described the future financial adviser to be an autocrat of autocrats. In the Egyptian Parliament, the Financial Adviser had the front seat, while the Finance Minister was a backbencher. Was this also going to be the case in the Federal Assembly? Egypt was a bankrupt country. Continuing, *Mr. Ranga Iyer* wondered at the necessity of a Financial Adviser. Even as the Indians have mastered the British language and the British methods of administration, so they do not lack financial talents to be an adviser. Unless the position of the Financial Adviser was definitely, lucidly and rigidly defined, the minister's responsibility and fiscal autonomy would be reduced to a nullity, because no Minister can maintain independence in the midst of fear, panic and constant trepidation. It must be clearly understood that the Financial Adviser must not be a representative of vested British interests. Concluding, *Mr. Ranga Iyer* emphasised that if they welcomed the Princes to join the federation it was because of the dream of United India and greater India. But he did not want to encourage the most primitive Princes to imagine in these days of democracy that they could afford to live in the primeval period of one-man rule. If the Princes came into the picture there was the possibility of democracy in British India non-degenerating into mobocracy as *Sir Samuel Hoare* said. But *Sir Abdur Rahim* was simply pulling by our legs when he declaimed against the Princes of yesterday.

*Raja Krishnamachari* was dissatisfied with the safeguards provided in the White Paper against religious interference, which in his opinion were absolutely illusory. He reminded the House how at the Sepoy Mutiny there were proclamations and declarations made from time to time that the policy of religious neutrality would be followed. He did not draw a very attractive picture of the federation and asserted that the Princes were not fools if they hesitated to come inside the federation and democratic institutions on which the last word had not yet been said.

"If the constitution is to work smoothly it must be based on trust and courage and not on distrust and fear", observed *Mr. Joshi* in an outspoken speech. He said that when the British Government declared that there could not be central responsibility in this country without the Princes joining the federation, they showed distrust about the people of British India. The speaker did not understand how the British Government, which ruled India over a century, could trust the Princes more than British Indians, their own subjects. The history of England revealed that it was the masses who revolted against misrule, but they were led by the nobility (hear, hear). Therefore the British Government was making serious miscalculation when it thought that it was introducing an element of stability by inviting princely co-operation in the future governance of India.

Continuing, Mr. Joshi held that the constitution was full of safeguards for the propertied classes because the Britishers believed that they would stand by them. It was because of this that they provided for protection of fundamental rights of these classes, but from his intimate knowledge he would vouch for the fact that the Britishers had not much confidence either in India's capitalists or in the propertied classes. Mr. Joshi condemned the theory whereby one man, namely, the Governor-General was vested with plenary discretion. He wondered how could the judgment of one man, be he Governor-General, could be safer than that of the legislature. There was much more safety in the judgment of many than in that of one single person. Turning to the financial safeguards he deprecated that a creditor country had the right to control the political destiny of debtor countries. He asked : Did not England extend credit to Brazil, Argentine and other countries, but did she ever dare claim a controlling voice in the governance of these countries ? Continuing, Mr. Joshi pleaded for representation of third class passengers and cultivators on the Statutory Railway Board and wanted the benefit of the legislature for the backward classes and hill-tribes. He characterised the position of the legislature not to discuss the action of the Governor-General as intolerable and hoped that the constitution must improve the conditions of the working class, affording better representation on the legislatures than provided and extended franchise not based on property qualification and automatically extended after a fixed period.

*Mr. Amarnath Dutt*, according to the President's suggestion, appended his amendment as a part of Sir Abdur Rahim's original amendment and described the White Paper as wholly unsatisfactory, and asked for the India Government to be responsible to the legislature composed of members returned by joint electorates without reservation of seats on the basis of race or religion from Provinces constituted after redistribution of boundaries on racial, ethnological and geographical basis. He asserted he was a believer in the unitary form of Government and never had any confidence in federation mainly because he dreamt of a glorious India actuated by nationalism.

**31st. MARCH :—***Dewan Bahadur Ramaswami Mudaliar*, speaking on the White Paper, subjected it to two tests, namely, how far the proposals were in consonance with the hopes and aspirations of the people when Lord Irwin announced the Round Table Conference and, secondly, how far they embodied the agreed decisions of the Conference held. He pointed that on some vital and fundamental points the proposals did make a departure, and an unjustified departure from the agreements. This was firstly, regarding the services. Here the White Paper proposals were in defiance of the agreement, for the services, instead of being recruited by the Government of India as proposed, were proposed to be recruited by the Secretary of State. Not only was this in regard to the key services like the I. C. S., and the Police service but also in regard to the superior services in the railways.

Continuing, *Dewan Bahadur Ramaswami Mudaliar* said those who knew how the rules regarding the medical services had worked under the reforms, where the Secretary of State had not only insisted on the employment of the I. M. S., but of the European members thereof, could easily infer that the Secretary of State could insist on the secretary of any department being a European only.

*Sir Harry Haig*, interrupting, replied that the only purpose of that was that while the Secretary of State recruited men for All-India services, it should not be possible for any local Government to defeat the object by refusing to employ them for the purpose they were recruited. *Sir Harry Haig* added there was nothing more in it than that.

*D. B. Ramaswami Mudaliar*.—I hope the Secretary of State will not go behind that assurance.

Continuing, the speaker asked why was it provided that the Minister should not post any officer in the all India service without the concurrence of the Governor, thereby limiting the Minister's choice in selecting even men for his confidential work. Then again, why was the right of retirement with proportionate position being extended even to men who would come hereafter, knowing the nature of the reformed constitution ! What was more, they had taken steps to see that even a future Labour Secretary of State should not alter the position by making the rule in respect of the services that the majority vote of the advisers of Secretary of State would prevail. 'Sir, these unalterable and unchangeable provisions expand even the existing privileges of the services. The provision regarding the Public Service



Commission is still worse. You cannot rely even on the Governor-General, that superman who is going to have 32 discriminatory powers and 45 other powers for appointing the members of the Public Service Commission. You want the Secretary of State to appoint them. No wonder the cumulative effect of these provisions is that even the most moderate people are frightened by the White Paper. I prophesy that bitterness against the services will increase and they will be persons about whom it will be said when the chapter of a lost dominion is to be written that this dominion was lost because it was murdered by the privileges of the services.' Diwan Bahadur Ramaswami Mudaliar, dealing next with the Statutory Railway Board, said he did not care whether it was set up by Parliament or by the Assembly. 'The crux of the problem is who is going to appoint the members of the Railway Board, and what powers are going to be given to that Board? It makes one feel that even the Federal Government is to be kept out of the matter and a sentence in the paper hints that the property of the railway is to be vested not in the Government of India but in the Railway Board.' The statutory board which was statutorily constituted in South Africa was appointed by the Governor-General in Council and the Minister was to be the chairman of the board. I want to know whether the same would be the case in India. I have a great complaint against Indian members of the Government. If you are not to consult Indian opinion before signing your despatches what is the use of your being there?

*Sir Joseph Bhoré*—My hon. friend ignores the statement made by the Finance Member.

*D. B. Ramaswami Mudaliar*—I am coming to that shortly.

It was for the first time in the Government of India despatch signed by three Indian members that the sentence regarding the Statutory Board was sneaked. 'May I further ask why should the railway companies go to the Secretary of State for arbitration? Why not trust the Government of India or at least the federal court?' Dewan Bahadur Ramaswami Mudaliar next referred to the Reserve Bank and said the important thing for them to consider was what were going to be its function and how its governing body was to be constituted, whether by election or nomination. He urged that there should not be domination by any particular interest in that body. The speaker referred to the provision in the White Paper that Federation would come into being when it had seen the Reserve Bank successfully working and wanted to know how many years it would take to pronounce that dictum. D. B. Ramaswami Mudaliar pointed out the instances in which the recommendations of the White Paper had gone beyond the agreement at the Round Table Conference. Among these were included the provision to bring British Baluchistan under the direct control of the Governor-General. He urged that its control might be vested in the Federal Government. He protested against the provision of the Counsellors for the Governor-General and said that they at the Round Table Conference suggested one counsellor and ultimately agreed to two. The provision for three would create a separate council for the Governor-General which might over-ride the Federal Government. The speaker did not wish the Governor-General but the Prime Minister to preside at the Cabinet meetings and protested against the suggestion that papers from the Ministers should be sent to the Counsellors. He was also against the proposal for a joint session of both Houses in the event of any demand being refused by the Lower House. Dewan Bahadur Ramaswami Mudaliar pointed out that all but one member had demanded voting on demands by the Lower House. The speaker also protested against the non-voted proposals for the provision that the Governor could interfere with the internal administration of the police. In conclusion, he said the Indian representatives had demanded safeguards but what was proposed in the White Paper had gone much beyond those demands.

*Mr. Lalchand Navalrai* protested against the vicious principle of supporting new provinces with large subventions out of the Central Government. He said it was economically unsound and politically suicidal.

*Mr. H. P. Mody* said the White Paper did not secure one of the fundamentals of good government, namely, that the control of the Secretary of State should be eliminated in the day-to-day administration of the country. Speaking on the financial safeguards, Mr. Mody said at the first Round Table Conference he had urged against any such provision being made and was supported by Sir B. N. Mitra. In the past the Finance Members had caused untold losses to India through the management of the finances of the country. What control there was on them that

the Government was now insisting upon financial safeguards, thereby regarding the Indian Finance Minister unfit for the post from the very start? In regard to the Reserve Bank, the speaker urged that its control should be in Indian national hands. Mr. Mody pointed out that a formula was evolved at the Round Table Conference in regard to commercial discrimination under which the key industries were to be safeguarded. That formula was accepted by Lord Reading and Sir Hubert Carr and he did not see any reason why that formula should have been thrown overboard and a new provision made in the White Paper. Alluding to the provision for safeguards, he said the constitution of the Central Legislature was such that it would be extremely rare when the Conservative element would not make their weight felt and as such the provision for safeguards meant a distrust of democracy in India. Mr. Mody was very sceptic about Federation and asserted that he was not prepared to pay an undue price for alliance with the princes and was opposed to the sacrifice of national interests in bargaining their entry into the Federation. Nor did he think it to be possible to bring the Reserve Bank into being within the next few years. These were the two primary conditions for the Federation and what would happen to central responsibility, he asked, if Federation was not established? He regretted that sufficient stress was not made by the Indian delegates on that point.

In conclusion, he warned the House that in a few years' time the moderates would be swept overboard by the extremist element and if the Government wanted the moderates to work the constitution they must have the minimum of safeguards and modify the scheme in the Select Committee.

*Sir Vasudeva Raja* regretted that the claims of the landholders had not adequately been secured and urged for safeguards to protect their interests, one method of which was the institution of second chambers. Sir Vasudeva Raja concluded by asking for safeguards for the protection of the Hindu religion.

*Moulvi Shafi Daudi* said the White Paper contained more safeguards than the powers proposed to be given to Indians. The Mussalmans, however, would fight for these safeguards and would not let even a letter of theirs be dropped till the Hindus changed their mentality and the Muslims were assured that the minorities would be treated with justice and fair-play, for he asserted that power should not come to the people who were suspicious of each other. The speaker said that questions like electorates and the separation of Sind had been settled and the people would be well-advised not to embitter feelings by raking them up. He assured the House that the Sind Hindus would be better protected than the Mussalmans elsewhere but urged for adequate representation of Mussalmans in the Orissa Council. In conclusion, he referred to the resolution on the White Paper adopted by the Moslem Conference and urged for the protection of Moslem culture, religion, and the appointment of *kazis*.

*Mr. Anklesaria* asserted that a unitary system of government would be preferable to Federation for federation would break up the Indian nation into provincial units and tend to create friction between the units, between the Governors and the Councillors, the Councillors and the Legislature and weaken the Central Government resulting in the oppression of one community by the other. The idea of federation must have been welcomed by Britain who under the Montagu Declaration were pledged to grant some responsibility at the centre which had now been deferred indefinitely. In conclusion, the speaker said on the tests whether the scheme was workable in the best interests of the country and fulfilled the pledges given to India by Great Britain the proposals contained in the White Paper should be condemned.

*Mr. James* said the House should congratulate itself on the constructive manner the White Paper had been dealt with by Dewan Bahadur Ramaswami Mudaliar. The reserve powers had not been resorted to frequently in the past and he was sure as the Europeans and Indians were beginning to co-operate in industrial and commercial matters and work hand in hand, the use of reserve powers would not be necessary in the future. He asked the House to pay a tribute to the great work of the services and said the provision regarding further recruitment by the Secretary of State for five years was in the interest of India so that the standard of men who came into the services did not deteriorate and the price was worth paying. On the other hand, he had not met a minister who had complained that the fact of services being under the control of the Secretary of State made any difference in work. As regards the Public Service Commission, a convention would grow that the commission's advice would be invariably accepted. He felt the provision regarding the previous sanction of the Governor-General for currency measures would be welcomed by the Indian Finance Minister as a safeguard against any fears such as the flight



of capital. As for the Statutory Railway Board, he (did not see any reason why, if a reserve bank could be established by the Indian Assembly, a railway board should not be. (Hear, hear.) As regards Federation, he hoped that in the financial and taxation spheres the bigger States would not be niggardly and the British Government would not be generous at British Indian expense. He wished that the Indian States' instrument of accession would guarantee the Britishers against discrimination. Finally, the speaker said that the White Paper registered a great advance, one example of which was the Federal Government's direct powers of borrowing, that it generally embodied the R. T. C. conclusions and that the Britishers and Indians had the power by co-operation and goodwill to reconcile the West with the East in a manner as would influence their fortunes in the remaining part of this country.

*Sir Hari Singh Gour* asserted that whatever might be the future constitution it must be capable of self-development without repeated interference from Parliament. Examining it from the point of view of the Declaration of 1917, which was subsequently endorsed by Lord Irwin and Mr. MacDonald, *Sir Hari Singh Gour* said the White Paper did not furnish adequate answer inasmuch as it did not mention the words 'Dominion Status'. He, therefore, urged that the Declaration of 1917, as further amplified by the Irwin Declaration, should be embodied in the future Government of India Act. *Sir Hari Singh Gour* claimed that the question of Federation was no longer an open one and it was a fair proposal that in the event of the princes declining to enter into federation there should be further consultation of the British Government with the people of India. *Sir Hari Singh Gour* admitted that constitutional Governors or Governor-General would not misuse their powers. He also urged that the consulting and recruiting agency of future entrants to the services should be the Government of India and not the Secretary of State and the proposal in the White Paper vesting control in the Secretary of State would create a hospitable atmosphere which would impair the utility and efficiency of the services. *Sir Hari Singh Gour* hoped that his Majesty's Government would take note of the sentiments expressed in the House and would modify the proposals accordingly.

*Mr. Ghuznavi* said the White Paper did not require his defence and was surprised at the speech of Dewan Bahadur Ramaswami Mudaliar who, after paying compliments to the Secretary of State for honestly incorporating in the White Paper what he promised to do, had attacked the Indian Member of the Executive Council. *Mr. Ghaznavi* said that D.B. Ramaswami Mudaliar should have levelled that attack against himself, for he equally along with others was responsible for the majority of the proposals. Regarding the safeguards, he said they, Hindus and Mussalmans, were responsible for them. He gave a history of the communal electorates and the Minority Pact and said the responsibility for the communal electorate agitation lay with Lord Olivier's letter to Mr. Satyamurthi.

Concluding, *Mr. Ghuznavi* said they could not blame the Secretary of State or the Premier on the Communal safeguards because they, Hindus and Mussalmans, wanted those safeguards because they had failed to come to an agreement. However, he wanted the White Paper to be drastically altered before it would be acceptable to India.

*Mr. K. C. Neogy* referred to the dual policy of the Government and said in the language of the Under-Secretary of State in Parliament on a long previous occasion that in the long run repression was no remedy and political discontent required a political cure. They were promised Dominion Status but in 1931 this expression was sought to be explained away by Mr. Churchill. It was stated that so far as rank was concerned India had already attained that status. Since then, this expression had been carefully avoided in all documents including the present White Paper. Forgetting the question of Dominion Status, where was responsible government? Could any one deny that there was no responsible government even in the provinces? He did not agree with Mr. James when he said that the special responsibilities of the Governor-General were nothing extraordinary. He might be like Siva with five heads and five pairs of hands. (Laughter.) As for defence, it would be a reserved subject. The responsibility for this partly lay with the Indian Members of the Viceroy's Council who at the time of the Simon Commission supported the suggestion that defence must be a department responsible to His Majesty's Government.

Proceeding, *Mr. Neogy* protested against the creation of a railway board by enactment in the Constitution Act and challenged the Government to take a straight vote on this issue, for he felt sure of the opinion of this House. He traced the history of the problem to show that the question was smuggled in the reports of



the Round Table Conference and in spite of the adverse opinion of the Consultative Committee. Now the Finance Member had announced a conference on this in London. 'We on this side of the House are not satisfied at this. We have too painful an experience of the hole and corner fashion in which these conferences are held, and particularly of the manner in which selections to these conferences are made.' Agreeing with Mr. James, Mr. Neogy said the board should be set up as a result of an enactment of this House. If a straight vote was taken on this issue that would be the verdict. Under the South Africa Act the Railway Board was merely an advisory body to assist the Minister of Transport. Mr. Neogy detailed the matters in which such a board should be responsible.

*Mr. Kyaw Myint* (Burma), who concluded the debate, said he had watched the debate in an agony because of the extreme moderation of the speeches. (Cheers and laughter.) To the Ottawa betrayal the House was about to add the White Paper betrayal. (Hear, hear.) The shadow of invitations to the Joint Select Committee had laid heavily on the House. (*A Voice*.—Witnesses too.) Some members had spoken defending their Round Table Conference work or defending their rights to the future invitation.

*Sir Mohamed Yakub*.—What about the leader of your party?

*Mr. Kyaw Myint*.—I was disappointed with the speech of Sir Abdur Rahim and of my leader, Sir Hari Singh Gour, and now Sir George Schuster has thrown a bombshell of more invitations to another conference.

The speaker said if Mr. Montagu had been alive he would have committed suicide after seeing how the August 1917 Declaration had been murdered. At every stage the British Government had been trying to wriggle out of that declaration. Mr. James had spoken on behalf of the Treasury Benches and in tones of the ruling races. 'How can I agree with, how can we agree, when their policy is not how much to withhold from India?' (Hear, hear.)

The *President* declared the debate concluded as there was no agreement among the non-officials to carry on the debate to-morrow. Sir Abdur Rahim's amendment was passed unanimously. The President said the motion had been recorded in the usual course and saw no reason to depart from practice. The House then adjourned.

#### RELEASE OF MAHATMA GANDHI & OTHER PRISONERS

**1st. APRIL** :—The Assembly continued the discussion to-day of *Mr. Maswood Ahmed's* resolution regarding the release of Mahatma Gandhi, Mufti Kifayatullah and other political prisoners. *Mr. Abdul Matin* dwelt at length on the history of the pre-and-post-Gandhi-Irwin Pact situation and said although the Government claimed temporary success for their policy they still observed war mentality and demanded complete surrender and assurance of a future good conduct from the Congress for which the Government must wait till the Doomsday. Referring to Mr. Anklesaria's remarks that a section of the people in the country was sick of Gandhiji, Mr. Abdul Matin remarked that the whole truth was that a considerable section in the country was sick of Sir Henry Haig and Ordinances. He said, with mighty Mahatma on one side and the almighty Haig on the other, rights of ordinary citizens were trampled.

*Raja Krishnamachari* gave his half-hearted support and said that he had no objection if Gandhi was released.

*Kottal Uppi Saheb* repudiated Mr. Yamin Khan's charge that Mahatma Gandhi was responsible for disturbing the tranquility and peace of the country. He wondered how a non-official member could be so ungrateful as to go such a length in haranguing Mahatma and other leaders through whose suffering the Assembly was born and whatever little political freedom we had was obtained. Men inspired with high ideals of freedom all over the world were so accused. Such was the lot for the Great Prophet of Arabia. Such had been the case with Kemal Pasha and Mussolini. Mr. Yamin Khan ought to know that Gandhiji did not wish to come out of the jail through our intercession. He is in jail out of his free will.

*Nawab Ahmed Nawaz* cited a verse from the Koran to prove that disturbance of peace was worse than the commission of heinous sins which was hotly challenged by Mr. Maswood Ahmed and Mr. Uppi Saheb as not being a Koranic verse. The speaker advised the Government to release those political prisoners only who changed their opinion radically.

*Mr. Lahiri Chowdhury* strongly condemned Government's action of repression and arrests. When the mouth of the country was muzzled, when Ordinance Raj was prevailing and when the press was gagged, said Mr. Lahiri Chowdhury, it was no use pressing for the release of Gandhiji. Let Gandhiji remain in jail but the

spirit of Nationalism once inflamed would burn undiminished. He made a vitriolic attack on Mr. Yamin Khan's motive in scandalising Gandhiji and was glad that Mr. Yamin Khan got snubbed by the House when as a puppet he was set up as a candidate for Deputy Presidentship by the Government.

"Peace has been the greatest interest of the British Empire and I am certain that peace is the greatest interest of India", said *Sir Harry Haig* in replying to the proposals for the release of Mahatma Gandhi. "But the question to ask", he continued, "is whether the proposals will facilitate peace. What would be the positive results of the release of political prisoners? Ideas are restoration of peaceful conditions of the country and co-operation with the new constitution. With these aims in view, in 1931 the Government made an extremely generous suggestion. Was that taken in the spirit in which it was made? Emphatically no. The Government meant peace when the Congress took it to be truce. There can be no co-operation under the menace of revival of Civil Disobedience. People say that Congress has changed its attitude. But what is the attitude of Mr. Gandhi? As soon as he will be released, he will be confronted with the problem as to whether he would renew Civil Disobedience. Then there are leaders who are more extreme. Mr. Gandhi in his Round Table speech at first said he was for absolute co-operation but later he asserted that Congress represents the spirit of rebellion. Further, he said—"It has been said that Congress might co-operate in the working of the new constitution. There are many in the ranks of the Congress who are pre-eminently fitted to help the working of the new constitution and I venture to affirm my belief in the Viceroy's words that the march of events would bring them in. But has the time come yet? Politics, it seems to me, consists in realizing what is possible, of making the best use of it and not demanding indefinitely what is impracticable. But have the Congress come to that position. I sometimes feel the Congress have a different picture of democracy than we English people have. Their picture is that of the dictatorship of the Congress like the communist dictatorship in Russia. If these are still views of the Congress (voice No, they are not), there are very great dangers ahead of this country unless these ideas are absolutely discarded. Concluding, Sir Harry Haig claimed that there had been a change in the country and it was no longer a question of forcing the Government by Congress methods, but reaching an agreement by negotiations and cordiality and this had been done during the three sittings of the Round Table Conference.

*Syed Murtaza Saheb* who followed the Home Member invited the Home Member to give a guarantee of obtaining complete Dominion constitution for India if the Congress agreed to do all things that Sir Harry Haig wanted them to do. It is not the Mahatma who would be the Dictator but the Secretary of State and the Governor-General who are dictators under the new constitution with provincial Governors as Deputy Dictators.

*Mr. B. Das*, who got five minutes before the adjournment motion of Mr. Lalchand Navalrai regarding the wholesale arrests of Congressmen revealed that the Mahatma would be willing to accept a constitution that had transferred only 20 per cent of real power of Government but the White Paper scheme did not give even that much to Indians. He asserted, amidst applause, that despite the barking of dog's the Congress caravan would proceed on its onward march.

*Mr. Maswood Ahmed's* resolution on Gandhiji's release was not pressed to vote and the debate was adjourned sine die.

#### REPRESSION AND ARRESTS OF CONGRESSMEN

Thereafter *Mr. Lalchand Navalrai* moved his motion for adjournment to invite attention of wholesale arrests of Congressmen and urge the Government to put a stop to this policy of repression. *Mr. Navalrai* stated he had two objects in view. One was to protest against "indiscriminate arrests" at Calcutta of the people alleged to be going to attend the Congress, and the second was to appeal to the Government to give up the policy of repression. The Congress till to-day was not an unlawful body, and Government's action in banning its session was illegal. The Congress was not dead, and had saved the country from terrorist methods.

*Mr. Mitra* supported Mr. Navalrai's censure motion. He failed to understand the purpose of the Government in precluding the Congress from holding the meeting by arrests instead of declaring it unlawful. The Congress which is the premier political organisation in the country should have been given full chance to discuss the White Paper. But instead, the Government is gagging it and driving the country

to desperation.

*Mr. Anklesaria* vehemently opposed, and derided those who called the Government policy to enforce respect for law and order as repression.

*Sir Abdur Rahim* asked if it was politically expedient to ban the Congress session at the present moment. The Government by taking an anticipatory action of this character is taking too great a risk upon themselves.

*Sir Hari Singh Gour* complained that no facilities were given to constitutionalists to have the access of three members into the Congress and persuade them to believe that their policy was wrong. He reminded the Home Member that some members of the Congress had openly declared that they would be satisfied with the substance of independence which was the same thing as the Statute of Westminster.

Replying to the debate the *Home Member* defined the Government attitude and emphasised they had been forced into action by the certain policy pursued by the Congress. He reminded the members of the chain of events which had led them thereto. He characterised the Congress session as spectacular preparations.

*Sir Abdur Rahim* :—Why don't you declare the Congress unlawful?

*Sir H. Haig* :—Government is never anxious to go more than the circumstances justify. In their judgment it was not necessary for dealing with Civil Disobedience to declare the entire Congress unlawful. Such action would go far beyond the requirements of the case, involving the prosecution of a number of persons who are not active members of the Congress and are not really anxious to pursue Civil Disobedience.

*Mr. Khitish Neogy* asked *Sir Harry Haig* how he could reconcile *Mr. W. D. R. Prentice's* statement in the Bengal Council that the Congress session had not been banned with the present action that the Government was making a general roundup of those who wanted to participate in the coming Congress.

*Sir Harry Haig* replied that Government's intention was not to let the session be held. They could adopt any action which led to the result. The House divided on the motion which was lost by 49 voting against and 30 for. The House then adjourned till the 3rd.

#### OTTAWA TRADE AGREEMENT AMEND. ACT, 1932

**3rd. APRIL** :—The Assembly met to-day to consider the Indian Tariff Ottawa Trade Agreement Amendment Act of 1932.

After question hour, *Sir Joseph Bhore*, Commerce Member, moved that the Bill to supplement the Indian Tariff Ottawa Trade Agreement Amendment Act of 1932 be taken up for consideration and explained that the Bill was intended to correct certain inaccuracies, anomalies and discrepancies found in the Act, for example, inclusion of Ferrous Sulphate, which is the same as Green Copperas, inclusion of moist white lead for preference, specification of newsprint as such, omission of glass-making chemical from preference for colonial goods, including fountainpen nibs as manufacturers' gold etc. The motion was accepted.

*Mr. A. Raisman's* amendment including for preference Potash alum Soda alum and Ammonia alum was also adopted.

*Mr. James* moved an amendment including tea chests and parts and fittings thereof among preferential articles.

*Mr. B. Das* opposing asked as the Ottawa Agreement was ratified after full deliberation what was the necessity of a Supplementary Amendment Bill. He enquired what had been the gain of India and questioned the good intentions of Europeans.

*Mr. Mitra* sympathised with *Mr. James* and held that there were large Indian interests in the tea industry whose benefit would to some extent be shared by Indians.

*Sir Joseph Bhore* sympathised with the mover of the amendment but had no alternative left to him but to oppose the amendment of that character at this stage. He was, however, prepared to go into the whole question with *Mr. James* and asked him to withdraw which was accordingly done.

#### PROVINCIAL CRIMINAL LAWS SUPPLEMENTARY BILL

*Sir Harry Haig* moved that the Bill to supplement the provisions of the Bengal Public Security Act of 1932, Bihar and Orissa Public Safety Act of 1933, the Bombay Special Powers Act of 1932, the United Provinces Special Powers Act of 1932 and the Punjab Criminal Law Amendment Act of 1932 for certain purposes be kept up for consideration. The Home Member explained that the object



that the real strength of the British Government did not come from army or ordinances but from the people's faith and deep-rooted confidence in justice and legal administration. If the Government wanted to shake that confidence nothing would be a proposition. Mr. Mitra proceeded to say that the Government had already reduced the legislature to a force by packing the House with nominated bloc and now started making serious inroads on the powers of the judiciary. The immediate arrest of persons who are acquitted by the handy Criminal Law Amendment Act was not showing any respect to the judiciary of the land. He would admit that when emergency measures were made permanent the emergency of the State ceased to exist.

Mr. C. C. Biswas admitted that the measures were drastic and the Government carried their repressive policy but for the sake of the greatest good of the greatest number. The Government responsible for order in the country must curtail liberties of a few as the smouldering embers might burst forth any moment. He refused to be carried away by cheap sentiment.

Mr. Gaya Prasad Singh : What about the sentiment to go to England ?

Mr. Biswas continuing said that true repression defeats its own purpose but the surgeon's knife was indispensable when the patient was suffering from cankerous sores.

Mr. Kaya Myint : Swaraj for ever.

Mr. Biswas : Yes. Swaraj for ever. But Swaraj could not be attained by bloodshed and anarchy but by constitutional advances.

Mr. Gaya Prasad Singh : And also by sycophancy.

Mr. Biswas flared up and said : Don't indulge, Mr. Singh, in cheap jibes and popular tricks. I am not one of those who indulge in heroics on the floor of the House and the cowtow before the powers that be behind doors.

Narrating the gross insults and inhuman indignities which the Acting President of the Congress, Mr. Aney, was subjected to after his arrest at Midnapur, Mr. B. Das observed that it was no use condemning the Bill. He remarked that Sir B. L. Mitter, Law Member, should hang down his head in shame that such treatment was meted out to Mr. Aney. A repressive measure like this would only goad the people to revolution.

Sir Cowasji Jehangir held that classification of political prisoners was an important question and the manner in which it is now conducted was sure to react on the British Government and the policy of His Majesty's Government.

Mr. Jadhav asserted that Government wanted to inculcate love for law and order but the method employed produced quite the contrary results.

"The rule of law has been the greatest credit of British Government in this country," said Sir Abdur Rahim. "But this rule of law", he continued, "has been greatly encroached upon from day to day until it was almost destroyed. But I am not satisfied with the new constitution giving perhaps more power but even before that the rule of law has been taken away. A free constitution can be no substitute for good law. If the rights and liberties of the people are unnecessarily interfered the future Government will have to encounter greater difficulties. Individuals might be connected with Civil Disobedience or terrorism but that is no justification for such lawless and oppressive measures."

The motion for closure was moved and carried by 48 votes to 21.

Sir Harry Haig replying justified the present legislation. He reminded Sir Abdur Rahim that in times of such emergency extraordinary laws were called for because ordinary laws had failed. He controverted the theory that the present legislation was calculated to take away the ordinary judicial functions of High Courts. It simply meant to remedy the defects in provincial legislation.

The Home Member referred to the story supplied to Mr. B. Das by a Press correspondent about the indignities inflicted upon Mr. Aney in the Midnapur Jail. The Home Member often found such stories to be exaggerated.

Mr. B. Das : My correspondent is an ex-member of the Assembly.\*

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\* Apropos the passage-at-arms between Mr. B. Das and Sir Harry Haig, following extracts from the letter received by Mr. Das from Mr. Jayakar, ex-member of the Assembly, which formed the basis of Mr. Das's interrogation would prove interesting :—"After his arrest at the Kharagpur station Mr. Aney was taken to the Midnapore Central Jail where he was given no special treatment suitable to his eminent position but was detained as a 'C' class prisoner. He had to allow his persons and belongings to be searched by a rude warder, was not given any special food to

Sir Harry Haig : I am not prepared to accept that story without examination.

The House then divided with the result that the Bill was passed by 48 votes for and 30 against.

#### AUXILIARY FORCE AMENDMENT BILL

The House next passed the Auxiliary Force Amendment Bill as reported by the Select Committee of 1933 in course of 15 minutes. There were two minor amendments which were accepted unopposed.

*Mr. Tottenham*, Army Secretary, in moving for consideration of the Bill explained that there was a demand for reduction of the army expenditure and it was fair that the auxiliary force should contribute its due share. The Bill was an economy measure and would save about 15 lakhs. *Mr. Tottenham* pointed out that though some individuals might be affected, there was no fear that the measure would discourage enlisting in the Auxiliary Force.

#### HAJ PILGRIMS ACT AMENDMENT BILL

*Mr. Bajpai* moved that the Bill further to amend the Indian Merchant Shipping Haj Pilgrims Act of 1923 as reported by the Select Committee be considered. He explained the Bill dealt with the grievances of pilgrims travelling by the lowest class on board the ship and was aimed at fixing the rates which would ensure that no pilgrims were left stranded at Jaja. The Select Committee, *Mr. Bajpai* continued, made amendments which were specially calculated to remove the inconveniences of pilgrims and provide for better arrangements for fooding and accommodation at the minimum cost. As far as space per passenger on ships was concerned there was a feeling that pilgrims should have 19 square feet instead of 16 now allotted but after discussion the Select Committee adhered to the original plan. He also justified the present practice that pilgrims should either deposit the fare for return journey or take a return ticket.

*Haji Wajihuddin* opposed the Bill. *Haji Wajihuddin* moved an amendment urging recommitment of the Bill to the Select Committee.

*Mr. Morgan* moved an amendment for the omission of clause 2 relating to compulsory food.

*Sir Md. Yakub* pointed out the difficulties in catering to the tastes of different people of different parts of the country and supported *Mr. Morgan*. The House then adjourned.

#### INDIAN MERCHANT SHIPPING AMEND. BILL

8th. APRIL :—The Assembly resumed to-day consideration of the Indian Merchant Shipping Haj Bill clause by clause. *Mr. Maswood Ahmed* moved an amendment that along with water and food pilgrims be allowed to have fuel also on board the ship. *Sheikh Sadiq Hassan* and *Muazzam Saheb* supported him. *Mr. Bajpai*, opposing, the motion was lost.

*Haji Wajihuddin's* amendment urging for more space and better accommodation for pilgrims was fully debated. *Sir Fazli Hussain* and *Maulvi Shafi Dawoodi* made it clear that without more money, more space could not be provided. They contended that every possible measure was adopted to remove the space difficulties without increasing the burden of expenses. The amendment was defeated.

#### OFFICIAL BILLS

The House adopted eleven out of fifteen clauses to-day when it adjourned till the 10th. Before adjournment, however, *Sir Joseph Bhore* was allowed to introduce two Bills, namely, the *Anti-Dumping Bill* and the *Ottawa Trade Agreement Act Amendment Bill*.

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which he is accustomed, was not allowed to have articles used for "Sandhya" and kept in a small barrack wherein about 125 persons were huddled together but which could hardly accommodate 60 persons. *Mr. Aney* was asked by a Jamadar to undergo 'Sarkar Salam' process by first sitting down in two's and then standing. When the Superintendent arrived for verification, *Mr. Aney* refused to comply with this humiliating procedure. He was forcibly made to sit down and then again made to stand up by two and three warders in the presence of the Superintendent. But *Mr. Aney* preferred to share gladly this humiliating treatment with his fellow prisoners of 'C' class."

## INDIAN MERCANT SHIPPING AMEND. BILL

**10th. APRIL :—**The Assembly passed the Haj Bill to-day by 49 against 12 votes. *Mr. Maswood Ahmed* opposing the third reading opined that the Bill was calculated to do harm and hardships and unnecessarily wound the religious feelings of the Muslim Community. He appealed in the name of humanity and millions of poor Muslims not to force the Bill on pilgrims. *Sir Fazli Hussain* replying to the debate met the arguments of the opposition and asserted that the Bill was in no way a dangerous innovation.

## INCOME TAX AMENDMENT BILL

After the Haj Bill was disposed of *Sir George Schuster* moved that the Bill further to amend the Indian Income Tax Act, 1922, for certain purposes as reported by the Select Committee be taken up for consideration. *Sir George* explaining the purpose of the Income Tax Bill said that Government wanted to render all foreign income of residents in British India from whatever source it might be derived liable to income-tax whenever it was received in or brought into British India.

*Mr. Jadhav* moved an amendment that the Bill as reported by the Select Committee be circulated for eliciting public opinion. *Sir Cowasjee Jehangir* while supporting *Mr. Jadhav's* motion deprecated the practice of bringing important measures like this at the fag end of the session. *Mr. Ranga Iyer* strongly opposing the amendment emphasised that unless measures were taken to stop investment of capital from foreign countries there could be no hope for developing Indian industries.

*Mr. Jog* moved another circulation motion giving a different date, and said that there was no use rushing a measure of this character.

The circulation motions of *Mr. Jog* and *Mr. Jadhav* were defeated without a division. The House then adjourned.

**11th. APRIL :—**Resuming discussion of the Income-Tax Amendment Bill to-day, *Mr. S. G. Jog* moved that the Bill be referred again to the same Select Committee to consider all the implications of clause 2 (B) which related to taxable incomes accrued within three years of their receipt in India.

After a brief reply by *Sir George Schuster*, *Mr. Jog's* amendment was negatived and the motion that the bill be taken up for consideration was carried.

When the discussion of the bill clause by clause was resumed, *Rao Bahadur Patil* moved an amendment that sub-clause (B) of clause 2 of the bill be deleted.

*Sir Cowasjee Jehangir* supporting the amendment held that the bill would have no effect on stopping investment from abroad. He pointed out that no provision was made against the double taxation as the people sending money to foreign countries paid income tax there and would be taxed again when bringing that back to India. *Sir Cowasjee* twitted the Finance Member on his maxim that the bill was intended equitably to distribute the burden of Taxation. He asked why not tax the pensions of the British officers retiring in England. The speaker strongly protested against the subtle and indirect discrimination made between European and Indians investing money outside India in respect of income tax.

Replying to the debate the Finance Member told *Sir Cowasji Jehangir* that no discrimination was made between Europeans and Indians in the matter of investment in England. So far as business in foreign countries was concerned capital thus invested was naturally locked up and could not be repatriated early. In the case of the income of Indians residing over-seas being taxed in the country in which they were domiciled it was rightly done in exchange for the protection they enjoyed there. The Bill might be harsh but it was eminently just.

*Rao Bahadur Patil's* amendment was pressed to a division and lost by 61 against 20 votes.

*Mr. Ramkrishna Reddy* moved an amendment for omission of provision in clause 2 that super-tax and income-tax on incomes, profits and gains accrued during the period of over one year when brought back to India, shall be chargeable on the basis of the amounts accrued each year separately and not on the whole amount accumulated.

*Rao Bahadur Patil* moved an amendment to *Mr. Reddy's* motion that incomes from agriculture in foreign countries be also made free of tax. *Sir George Schuster* opposed *Rao Bahadur Patil's* amendment.

*Mr. Reddy's* amendment was accepted and the Income Tax Amendment Bill as amended was passed by the Assembly



## THE ANTI-DUMPING BILL

*Sir Joseph Bhore* next moved that the bill to provide for imposition of additional duties and customs on imported goods for the purpose of safeguarding industries in British India be taken into consideration. Explaining the purpose of the bill *Sir Joseph* at the outset made it clear that when they brought forward this measure for giving them wide powers, they were not actuated by feelings of animosity against any nation or country (hear hear). They were merely taking defensive powers to protect their own industries. He then emphasised the main points of the bill under consideration :—Firstly, under clause two the duration of the Bill would not extend beyond 31st March, 1933. This is more or less a gap measure which is necessitated by representation made by more than 20 indigenous industries. Secondly, they are asking for extremely wide powers but in the nature of things he thinks this is inevitable. He should make it clear as far as the policy of discriminating protection is concerned that they stand where they were. As far as the industries which receive protection at present, they in no way have to depend upon this measure and they will continue to enjoy the measure of protection they are now enjoying. The House then adjourned.

**12th. APRIL :—**Resuming discussion on the Anti-Dumping Bill to-day, *Mr. C. O. Biswas* said that the House could safely depend on *Sir Joseph Bhore* to do all that was necessary.

*Mr. Ranga Iyer* said they must find a solution for the growing unemployment and the growing inefficiency of Indian industries. He supported the Bill to fight the warlike competition of the country which was exploiting a friendly trade convention.

*Mr. Kyaw Myint*, supporting the Bill, said they were ruled politically from Whitehall, intellectually by Madras and economically by Bombay.

*Mr. Joshi* also supported the Bill and said it was a right policy to institute an enquiry before giving protection under the Bill. Such an enquiry should be confined to India, but the Government must ascertain the factors which made dumping possible. He also urged that the results of such enquiry should be published. He disputed *Mr. Mody's* demand for enlarging the hours of work and said labour legislation had not affected Indian industries. *Mr. Joshi* did not approve the method of fighting dumping with the warlike method of higher tariff walls and said the better method was through international co-operation. He urged that the Government should facilitate the holding of an International Labour Conference for Asiatic countries and also urged the establishment of an economic council as recommended by *Mr. Walter Slater* (*Sir Arthur Salter*?) some years ago. The Government were taking vast powers under the Bill. It was best that they should have an advisory of experts.

*Sir H. S. Gour* did not doubt that a depreciated currency helped dumping, but before Japan launched in that policy she had State control of all industries and had ruthless protection which some time ran to 350 per cent. Her policy of mass education had reduced the waste to the minimum and that of rationalisation of industries had helped her to rise to the position of one of the chief industrial countries of the world. Government, while giving protection to industries, should bear in mind the other factors which made Japan great. *Sir H. S. Gour* hoped the new duties would not be a burden on the consumer and the period of protection would be as short as possible. The speaker particularly asked the millowners of Bombay to do away with old and antiquated ways and with the system of managing agencies.

*Mr. Muhammad Muazzam Sahib* said India was in a state of abnormal trade conditions and the Government measure for protection must be supported. The extraordinary powers which Government were taking under the Bill were absolutely necessary.

*Mr. Ghuznavi* felt the present legislation would not solve the problem and the smaller trader along with the consumer would be hard hit. He quoted several telegrams he had received stating that the Bill would be the last straw on the camel's back and would only penalise merchants. The speaker hoped the existing contracts would not be affected by the Bill. He gave the history of the Cotton Textile Protection Act of 1930 (which provided for preference to British goods) and said but for that Act *Pandit Malaviya* would have sided with the Government and fought *Mahatma Gandhi* over the civil disobedience movement. That Act had changed the course of history, and to-day the Government were repeating the same mistake at

the instance of the Bombay millowners who had all along helped Mahatma Gandhi with funds.

*Sir Joseph Bhore* replying to the debate acknowledged with gratitude the reception in the House to the Bill and said the suspicions expressed had no basis. He asked how the fear that preference would be given by backdoor to Britain was justified. The Commerce Member assured the House that the interests of the consumers would not be ridden roughshod and warned the industries not to think that the passage of the Bill was a sign for all of them to ask for help. As regards assistance by an advisory committee of the House to watch the operation of the Bill, he said it might be a different thing if advice was given by an economic council but the advice must be of an expert character.

*Mr. S. C. Mitra* :—You have an import duty advisory committee in England.

*Sir Joseph Bhore* :—That's not drawn from Parliament.

*Mr. Mitra* :—Yes, it is.

The Commerce Member contested *Sir H. S. Gour's* view that the Bill was a revenue producing measure.

*Sir H. S. Gour* :—No ; I said it would produce revenue.

*Sir Joseph Bhore* :—On the other hand it will stop imports and very seriously affect the position of my colleague, *Sir George S. Hunter*. *Sir Joseph Bhore*, referring to *Mr. Ghaznavi's* remark that the Bill was being forced down the throat of India, said he had no doubt if the matter went to division they would be repeating the historic vote of yesterday. (Laughter and applause.)

The Bill was taken into consideration without dissent.

*Mr. Mitra* moved an amendment for setting up a committee of seven non-officials for the purpose of advising Government in carrying the provisions of the bill.

*Messrs. Jog, Rama Krishna Reddy, Gunjal and B. Das* supported the amendment of *Mr. Das* urging the setting up of economic councils both at the centre and in the provinces as recommended by *Dr. Walter Slater*.

*Sir Joseph Bhore* pointed out the practical difficulty, saying that the council could not be in session always and there would even be difficulties to convene it whenever a question relating to the Bill came up for decision before Government.

The amendment was withdrawn.

*Mr. Thampan* through another amendment wanted the full report of the enquiry with every notification issued in regard to Government's action.

*Sir Joseph Bhore* felt the provision unnecessary as it would be the business of Government to convince the House to approve of their actions by placing complete detailed information on the subject.

The amendment was withdrawn and the Bill was passed without a division.

#### THE OTTAWA TRADE AGREEMENT AMEND. BILL

*Sir Joseph Bhore* next moved the second reading of the Bill to amend the Ottawa Agreement Act and said the preferential rates under the Act extended to sheets of British manufacture rolled from Indian sheet bars to a considerable quantity to which it was not intended that preference should be given. The intention of the amending Bill was to make it clear that the lowest preferential rate was applicable only to sheets manufactured from Indian sheet bars imported into the United Kingdom after the ratification of the Ottawa trade agreement by the Indian Legislature.

*Dr. Ziauddin and Babu Gaya Prasad Singh* supported the Bill which was passed amidst applause.

#### THE MEDICAL COUNCIL BILL

The Assembly then resumed the discussion on the motion for a select committee on the Medical Council Bill and also *Mr. Maswood Ahmed's* amendment that the Bill be circulated.

*Sir Fazli Hussain* referred to the debate two months ago when he said after the motion 12 members had participated in the discussion, criticising the scope of the Bill and stating that Government were providing one standard for medical education in the whole of India, whether of a university or of a school. It was then argued that the Government action was based on the attitude adopted by the General Medical Council of Great Britain and the point was also raised that the House would be accepting the principle of the Bill if the select committee motion was accepted. *Sir Fazli Hussain* said it would ease matters if he informed the House what was the principle of the Bill. He said it was limited in scope, which was to provide for the maintenance of the uniform minimum standard of medical education in the country.

The education was only of university colleges and not of medical schools. The function of the council which would be set up by the Bill would be to appoint, nominate and select inspectors who would inspect and ascertain if the uniform minimum standard was maintained all over the country and make a report to the council. Continuing, Sir Fazli Hussain said, the reason why there were more nominees of Government on the Indian Council than was the case in England was that the chief medical college and hospital institutions there were run by private agencies. Referring to reciprocity, he said this was a matter of which the select committee could find a solution. The point of view pressed by the members had his keen sympathy (cheers) and in this matter there was no reason why they should not be one. Speaking next regarding the case of licentiates, the Education Member paid a tribute to the work of the service and said that the question to be determined was whether the present system of two standards could be done away with when the change would involve prohibitive cost. However, if objection was to the fact that the all-India Council's register would not contain their names, then it was for the select committee to consider whether the all-India council need maintain any register at all, because the provincial authorities maintained registers already and these could be used. However, it was for the select committee to decide the matter. But a suggestion like the one that the licentiates' names be entered in the appendix of the register was not proper. He added : 'Let us not spoil the children by agreeing to their unreasonable demands'. (Laughter.) Finally, he appealed to the House to refer the Bill to the select committee.

Mr. K. C. Neogy opposed the rushing through of the Bill which was only of a limited character and differentiated between the graduates and the licentiates. The whole Bill was conceived in a spirit of suspicion. Having deliberately decided to raise the standard of medical education and thereby encourage the licentiates, was it right to discriminate against them, he asked. There were many licentiates who were occupying high positions in the medical service : for example, it was a licentiate who was occupying the permanent post of professor of post graduate students in the Calcutta School of Tropical Medicine. What would happen to such men ? The White Paper says in regard to this question that the registration of medical practitioners required separate consideration. Were they to understand thereby that even if this Bill was passed there would be separate treatment of the question by their masters in England ?

Sir Henry Gidney endorsed Mr. Neogy's observations and vigorously pleaded for one register for graduates and licentiates, as the medical men themselves wanted. When the medical profession did not want to recognise the difference why should Government try to compartmentalise them and treat them separately ? A medical graduate who passed 20 years ago passed an examination inferior to that which the licentiates had to pass now-a-days and so it was not right to make a distinction. Let the Bill lay down the minimum standards which those on the register should satisfy and let the licentiates and graduates be all included in it.

At this stage 5-15 p.m. the President adjourned the House till 9 p.m. for the disposal of the business on the agenda. This was the first time in the history of the reformed Assembly that there was a sitting after dinner. The last time there was an after-dinner sitting was in the Supreme Legislative Council under the Minto-Morley Reforms in connection with the discussion of the Rowlatt Bill.

#### THE NIGHT SITTING

The Assembly reassembled after dinner. When the President took the chair at 9 p. m. about 40 members were present and the public galleries had about a dozen visitors, mostly doctors, who were interested in the controversy.

Mr. Thampan was anxious to have a most efficient medical service in the country and felt that a board of inspection was sufficient to meet the requirements of the case. If the Government were anxious to have a medical register they would have to liberalise the Bill and would have to make the non-official element predominate in the council.

Mr. S. C. Mitra said that there were provincial boards under each local Government who could settle the question of reciprocity. The Bill as such conferred no privileges on the medical profession in India and there had been no demand from the public for legislation. Mr. Mitra said that unless they were assured that the question of licentiates would be within the scope of the Bill the House would be well advised to reject the motion.



Mr. Das, Mr. Jadhav and others rose to speak, but on the Government side a number of members shouted for the debate being closed. The President asked the House to vote on the closure motion and the Government carried the motion by 39 votes to 21.

Mr. Bajpai said the provision investing the Council with power to supervise the standards and professional conduct already existed in the provincial Acts and this House could not override those provincial boards without the consent of the provinces. The House must banish the suspicion that the Bill was dictated by an outside body. As for the inclusion of the licentiates Government were prepared to consult local Governments but seven local Governments had opposed it. Hence it was confined to graduates or those who possessed university qualifications. As for extending the measure of reciprocity this question could be discussed by the select committee.

Mr. Maswood Ahmed asked if the Andhra, Patna and Rangoon Universities could be added to the schedule to the Bill.

Mr. Bajpai said it was open to the select committee to discuss anything.

Mr. Ranga Iyer asked if the question of licentiates being included could be discussed in the select committee.

Mr. Bajpai said it was open to the select committee to consider the question of how the improved qualification of licentiates might be admitted. But the present qualification of licentiates could not be included.

Mr. Ranga Iyer asked if they could have a separate class in the same register for licentiates with the existing qualifications.

Sir Fazl-i-Hussain said provided it was a university of a high standard the committee could discuss it.

Mr. Ranga Iyer :—I want to know definitely whether we can raise in the select committee the question of licentiates being included and improve their qualification.

The President said while it was permissible to ascertain from the Government what their attitude would be with regard to a particular point in the select committee the decision as to whether it was within the scope of the Bill or not would be for the chairman of the select committee as it would be for the Chair in this House to decide whether a particular amendment was within the scope of the Bill or not.

Mr. Ranga Iyer repeated his query regarding licentiates and Sir Fazl-i-Hussain said he had nothing to add.

Mr. Maswood Ahmed's motion for the circulation of the Bill was lost by 24 votes against 43. The motion for the select committee was carried without a division.

#### INDIAN MERCHANT SHIPPING ACT AMEND. BILL

Mr. Raisman moved the reference to a select committee of the Bill to amend the Indian Merchant Shipping Act in order to ratify the international convention for safety of life at sea and another convention respecting load lines. He said that a measure was necessary to bring India to an international recognition in the matter of those two conventions. They were a great character for safety of life at sea.

Messrs. Mitra, Ranga Iyer, Gunjal, B. Das and Jadhav participated in the discussion, Mr. Das pointing out there were no facilities in India provided by the Government for Indians becoming harbour masters and Mr. Jadhav regretting Government's indifference to the development of the mercantile marine. As many members were still anxious to speak, the President stated he would not curtail the discussion but would adjourn the House.

Mr. Raisman pointed out the urgency of the measure and said the conventions had been already ratified by other countries.

Mr. Chetty :—I have done my best to expedite the business of the House, but I feel I cannot ask the House to sit any longer, it being 11-30 p. m.

Mr. Mitchell wanted the Chair to enquire if there were more speakers on the Bill.

Mr. Maswood Ahmed :—We cannot accept the principle of the Bill as it affects Haj.

Mr. Chetty before adjourning the House wished the members a pleasant holiday and adjourned the House *sine die*.

# THE BENGAL LEGISLATIVE COUNCIL

## LIST OF MEMBERS

### [President

- 1 THE HON'BLE RAJA SIR  
MANMATHA NATH RAY  
CHAUDHURY

### Deputy President

- 2 MR. RAZAUR RAHMAN KHAN

### Members of Ex. Council

- 3 THE HON'BLE SIR PROVASH  
CHUNDER MITTER
- 4 THE HON'BLE ALHADJ SIR  
ABDELKERIM GHUZZNAVI
- 5 THE HON'BLE MR. W. D. R.  
PRENTICE
- THE HON'BLE MR. R. N. REID
- 6 THE HON'BLE MR. J. A.  
WOODHEAD

### Ministers

- 7 THE HON'BLE NAWAB K. G.  
M. FAROQUI, KHAN BAHADUR
- 8 THE HON'BLE MR. KHWAJA  
NAJIMUDDIN
- 9 THE HON'BLE MR. BIJOY  
PRASAD SINGH ROY

### Officials ( Nominated )

- 10 MAJOR-GENERAL W. V.  
COPPINGER
- 11 MR. E. N. BLANDY
- 12 MR. A. G. R. HENDERSON
- 13 MR. H. P. V. TOWNSEND
- 14 MR. L. R. FAWCUS
- 15 MR. H. C. PHILPOT
- 16 MR. H. R. WILKINSON
- 17 MR. B. R. SEN
- 18 MR. R. N. GILCHRIST
- 19 MR. W. J. KERR
- 20 MR. H. E. STAPLETON
- 21 RAI SUSIL KUMAR GANGULI  
BAHADUR
- 22 MAULVI AMIN-UZ-ZAMAN KHAN

### Non-Officials ( Nominated )

- 23 REV. B. A. NAG
- 24 RAI SAHIB REBATI MOHAN  
SARKER
- 25 MR. K. C. RAY CHAUDHURY
- 26 MAULVI LATAFAT HUSSAIN
- 27 MR. D. J. COHEN
- 28 SIR JADUNATH SARKAR
- 29 KHAN BAHADUR MAULVI  
HAFIZAR RAHMAN  
CHAUDHURI
- 30 MR. P. N. GUHA

### Non-Officials ( Elected )

- 31 MR. MUKUNDA BEHARY MULLICK
- 32 BABU JATINDRA NATH BASU
- 33 Mr. S. M. BOSE
- 34 SETH HUNUMAN PROSAD PODDAR
- 35 RAI DR. HARIDHAN DUTT  
BAHADUR
- 36 BABU GOKUL CHAND BURAL
- 37 DR. SIR NILRATAN SIRCAR
- 38 MUNINDRA DEB RAI MAHASAI
- 39 DR. AMULYA RATAN GHOSE
- 40 BABU PRAFULLA KUMAR GUHA
- 41 BABU SATYENDRA NATH ROY
- 42 RAI SATYENDRA NATH DAS  
BAHADUR
- 43 MR. SAILESWAR SINGH ROY
- 44 BABU JITENDRALAL BANNERJEE
- 45 MR. J. N. GUPTA
- 46 BABU SATYA KINKAR SAHANA
- 47 BABU HOSENI ROUT
- 48 MR. R. MAITI
- 49 RAI SAHIB SARAT CHANDRA  
MUKHOPADHAYA
- 50 RAI SATISH CHANDRA MUKHERJI  
BAHADUR
- 51 BABU HARIBANSA ROY
- 52 BABU SARAT CHANDRA MITTRA
- 53 MR. P. BANERJI
- 54 RAI DEBENDRA NATH BALLABH  
BAHADUR
- 55 MR. NARENDRA KUMAR BASU
- 56 SRIJUT TAJ BAHADUR SINGH
- 57 BABU AMULYADHAN RAY
- 58 BABU JITENDRA NATH ROY
- 59 BABU SUK LAL NAG
- 60 RAI KESHAB CHANDRA BANERJI  
BAHADUR
- 61 DR. NARESH CHANDRA SEN  
GUPTA
- 62 BABU SATISH CHANDRA RAY  
CHOWDHURI
- 63 RAI SAHIB AKSHOY KUMAR SEN
- 64 RAI SAHIB SARAT CHANDRA  
BAL
- 65 MR. B. C. CHATTERJEE
- 66 BABU LALIT KUMAR BAL
- 67 RAI KAMINI KUMAR DAS  
BAHADUR
- 68 BABU KHETTER MOHAN RAY
- 69 BABU HEM CHANDRA ROY  
CHOUDHURY
- 70 BABU KISHORI MOHAN  
CHAUDHURI
- 71 MAHARAJA JAGADISH NATH RAY
- 72 RAI SAHIB PANCHANAN BARMA
- 73 BABU NAGENDRA NARAYAN RAI

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|-----|---|-----|---|
| 74  | DR. JOGENDRA CHANDRA<br>CHAUDHURI                   | 107 | MAULVI HASSAN ALI                               |
| 75  | MR. SHANTI SHEKHARESWAR<br>RAI                      | 108 | MR. A. F. RAHMAN                                |
| 76  | MR. PROSANNA DEB RAIKAT                             | 109 | KAJI EMDADUL HAQUE                              |
| 77  | MR. A. RAHEEM                                       | 110 | MR. ALTAF ALI                                   |
| 78  | MR. H. S. SUHRAWARDY                                | 111 | KHAN BAHADUR MAULVI<br>MUAZZAM ALI KHAN         |
| 79  | MAULVI SHAIKH RAHIM BAKSH                           | 112 | NAWAB MUSHARRUF HOSAIN<br>KHAN BAHADUR          |
| 80  | MAULVI MUHAMMAD SOLAIMAN                            | 113 | MR. J. CAMPBELL FORRESTER                       |
| 81  | MAULVI MUHAMMAD<br>SAADATULLAH                      | 114 | MR. E. C. ORMOND                                |
| 82  | NAWABZADA KHWAJA<br>MUHAMMAD AFZAL, KHAN<br>BAHADUR | 115 | MR. W. L. ARMSTRONG                             |
| 83  | MAULVI ABUL KASEM                                   | 116 | MR. J. E. ORDISH                                |
| 84  | MAULVI ABDUL KARIM                                  | 117 | MR. H. R. MORTIMER                              |
| 85  | MR. A. F. M. ABDUR RAHMAN                           | 118 | MR. L. T. MAGUIRE                               |
| 86  | KHAN BAHADUR MAULVI<br>AZIZUL HAQUE                 | 119 | MR. E. T. MCCLUSKIE                             |
| 87  | MAULVI ARDUS SAMAD                                  | 120 | RAJA BHUPENDRA NARAYAN<br>SINHA BAHADUR         |
| 88  | MAULVI SYED MAJID BAKSH                             | 121 | MR. SARAT KUMAR ROY                             |
| 89  | MAULVI SYED NAUSHERALI                              | 122 | MR. ARUN CHANDRA SINGHA                         |
| 90  | MAULVI SYED JALALUDDIN<br>HASHEMY                   | 123 | KUMAR SHIB SHEKHARESWAR<br>RAY                  |
| 91  | MAULVI ABDUL GHANI<br>CHOWDHURY                     | 124 | MR. SYAMAPROSAD<br>MOOKHERJEE                   |
| 92  | MAULVI AZIZUR RAHMAN                                | 125 | RAI SOSANKA COMAR GHOSH<br>BAHADUR              |
| 93  | MAULVI NUR RAHMAN<br>EUSUFJI                        | 126 | MR. H. H. BURN                                  |
| 94  | MAULVI ABDUL HAMID SHAH                             | 127 | MR. W. H. THOMPSON                              |
| 95  | MAULVI ABDUL HAKIM                                  | 128 | MR. G. W. LEESON                                |
| 96  | KHAN BAHADUR MAULVI<br>ALIMUZZAMAN CHAUDHURI        | 129 | MR. W. C. WORDSWORTH                            |
| 97  | MAULVI TAMIZUDDIN KHAN                              | 130 | MR. J. M. AUSTIN                                |
| 98  | MAULVI MUHAMMAD HOSSAIN                             | 131 | MR. H. BIRKMYRE                                 |
| 99  | MR. A. K. FAZL-UL HUQ                               | 132 | MR. M. P. THOMAS                                |
| 100 | MAULVI NURAL ABSAR<br>CHOUDHURY                     | 133 | MR. C. G. COOPER                                |
| 101 | HAJI BADI AHMED CHOUDHURY                           | 134 | MR. J. ROSS                                     |
| 102 | MAULVI SYED OSMAN HAIDAR                            | 135 | MR. R. H. WORTHINGTON                           |
| 103 | KHAN BAHADUR MUHAMMAD<br>ABDUL MOMIN                | 136 | MR. H. R. NORTON                                |
| 104 | MAULVI MUHAMMAD<br>FAZL-ULLAH                       | 137 | MR. SURENDRA NATH LAW                           |
| 105 | KHAN SAHIB MAULVI<br>MOHAMMAD BASIR UDDIN           | 138 | MAHARAJA SRIS CHANDRA<br>NANDY                  |
| 106 | HAZI LAL MOHAMMED                                   | 139 | RAI BADRIDAS GOENKA<br>BAHADUR                  |
|     |   | 140 | MR. ANANDA MOHAN PODDAR                         |
|     |   | 141 | MR. GIRIS CHANDRA SEN<br>( Nominated, Expert. ) |



# THE BENGAL LEGISLATIVE COUNCIL

WINTER SESSION—CALCUTTA, 20th. FEBRUARY to 4th. APRIL 1933

## PROPOSAL TO AMEND TENANCY ACT

The winter session of the Bengal Legislative Council commenced in Calcutta on the 20th. February 1933. The old controversy between landlord and tenant as to who had got priority of right in the soil was the point of debate to-day. *Maulvi Tamizuddin Khan*, member of the Tenants' Party, moved a resolution recommending to the Government that "early steps be taken to further amend the Bengal Tenancy Act by repealing provisions regarding landlords' transfer fee, regarding pre-emption and regarding enhancement of rent."

The House devoted the entire day to the discussion of the resolution, which was defeated by 45 votes to 33 and thereafter adjourned.

## Financial Statement for 1933-34

**21st. FEBRUARY** ;—"The picture of the financial position of the province disclosed by the revised and budget estimates is most depressing, and if the future held out no hopes of a revision of the existing financial settlement for Bengal, the financial and political outlook would be black indeed" declared *Mr. J. A. Woodhead*, Finance Member, presenting the Budget in the Council to-day.

The Finance Member added: On the one hand we are faced with a yield from the principal heads of revenue showing a fall of over Rs. 192 lakhs, nearly 20 per cent compared with the receipts of 1928-29, and actually lower than that for 1921-22. On the otherhand, we have additional expenditure in 1933-34, estimated at over half a crore on measures required to deal with the Civil Disobedience and terrorist movements. The value of jute and rice, the principal crops of the province have fallen approximately by 122 crores compared with 1928-29, with the result that despite increased taxation and increased registration fees, the receipts from five main heads, namely, land revenue, excise, stamps, forests and registration had fallen from about 978 lakhs in 1928-29 to a figure actually less than the yield from those heads in 1921-22. Under these heads, the revised figures for 1933-34 were nearly 785½ lakhs against the actuals for 1921-22 of approximately 803¼ lakhs.

Another important factor adding to the financial difficulty, was the additional expenditure due to the Civil Disobedience and Terrorist movements. It was most unfortunate that when the revenue position demanded every economy, the promoters of anarchy should involve the province in additional expenditure amounting to 122¼ lakhs during the last three years.

*Mr. Woodhead* said that the estimated expenditure from the ordinary revenue in 1933-34 amounted to eleven crores and thirty-two lakhs.

Comparing the estimated expenditure for the ensuing year, adjustments amounting to over Rs. 106½ lakhs including 20.29 lakhs being the interest on the accumulated deficit had to be made. It was anticipated that the net result of the coming year would be another overdraft of 195 lakhs whereas the current year was expected to close with a deficit of Rs. 1,37,49,000 instead of Rs. 1,59,51,000 due to rigid economy and a windfall of twelve lakhs under Stamps.

The deficit in 1931-32 stood at one crore ninety-one lakhs, an improvement of Rs. 8,94,000 over the revised estimates. The receipts for the ensuing year provided a small increase of Rs. 3,30,000 but there would have been actually a decrease, but for the second windfall which the Government hoped to obtain under stamps.

The main feature of the expenditure for the ensuing year included provision for the partial introduction of the Primary Education Act as well as certain measures aiming ultimately at reducing unemployment among Bhadrak youths.

Concluding, *Mr. Woodhead* remarked that Bengal's difficulty was due to the present inequitable settlement under the Meston Award and it had been now recognised that the province had a valid claim in respect of jute revenue. "Our present financial position is not one to encourage feelings of optimism. But the findings and recommendations of the Third Round Table Conference in regard to our ease, warrant the conclusion that brighter times are ahead", the Finance Member declared.

## REPRESENTATION ON JOINT COMMITTEE

After the presentation of the Budget, the Council carried *nem con* the special motion of Mr. S. M. Bose urging upon "the Government of Bengal the importance of calling the immediate attention of the Governor-General and the Secretary of State for India to the necessity for the appointment of representative persons of Bengal, preferably from this Council, among those Indians to be selected for consultation with the Joint Select Committee to be appointed by Parliament for the consideration of the constitution for India and the Provinces, the number of such representatives of Bengal not being in any case less than that of any other province." Moving his motion, Mr. S. M. Bose said that Bengal was a most important province of India. She had her special problems, and it was therefore necessary that Bengal should be fully and properly represented before the Joint-Committee. He regretted that in the past Bengal had been neglected and had been unfairly treated since the Meston Settlement.

Intervening in the debate, the Hon. Sir P. C. Mitter, Leader of the House, explained the Government position, and said that the Government would forward a copy of the debate to the Government of India for communication to the Secretary of State. When the time came, they would do all that they could do to secure proper representation for the province before the Joint Select Committee.

Mr. Abul Kasem, opposing the resolution, thought that no useful purpose would be served by sending another batch of delegates to London, as the British people were already familiar with the diverse view-points of the Indian people. Referring to the neglect to which Bengal had been subjected, he said that if they had been neglected, it was because they were backward in every walk of life as compared with other provinces. The proper remedy was to produce men who could hold their own and command respect without asking for it.

Resenting the remark of Mr. Abul Kasem that Bengal was inferior to other provinces, Nawab Mushruff Hossain, ex-Minister, said: "Place a Bengali anywhere and you will find him occupying the highest position." What the Bengali wanted, he said, was equal opportunity.

Replying to Mr. Abul Kasem, Mr. J. L. Bannerjee said that the member had forgotten that it was not merchant princes that made the country great, but the men who contributed to the thought of the world and the emotional treasure of the world. As far as that was concerned, Bengal had made permanent contribution to the treasure-house of the world's thought, poetry and emotional wealth. After all, it was not politics that counted.

Khan Bahadur Abdul Momen (ex-divisional Commissioner), supporting the motion, said that if Bengal's activities had been on the wrong side, if there was anarchism, terrorism, dissatisfaction and discontent in Bengal, it was all the more important that her case should be properly represented so that the constitution they were going to get would be satisfactory and acceptable to the people of Bengal.

Mr. W. H. Thompson, on behalf of the European group, supported the motion and said that Mr. Kasem's speech was unfortunate. In denying due representation to Bengal, he said the British Government had been following the example of "Mahatma Gandhiji", which had resulted so badly for Caste-Hindus of Bengal a short time ago. Let them clamour for due representation of this province on this occasion.

## TRANSFER OF MORE SUBJECTS TO MINISTERS

The House then defeated without a division, a resolution recommending to the Government to convey to the Government of India that, in the opinion of the Council, rules should immediately be framed under the Government of India Act providing for all provincial subjects specified in part 2 of Schedule 1 of the Devolution Rules to be administered by the Governor acting with the Ministers.

Opposing the resolution, Mr. W. D. R. Prentice, Home Member, pointed out that having regard to the procedure which had already been taken and the promise made on behalf of His Majesty's Government for the introduction of autonomy in the provinces, the House would be wise to accept the resolution as it was certainly an inopportune moment for the discussion of the same. The Council then adjourned till the 23rd.

## NON-OFFICIAL BILLS

**23rd. FEBRUARY :—**Over half a dozen non-official Bills were considered to-day by the Council in the course of two hours.

*Khan Bahadur Abdul Momen*, ex-Divisional Commissioner, introduced the *Bill to amend the Calcutta Municipal Act* with the object of extending franchise making every tax-payer a voter. At the instance of the *Minister for Local Self-Government* the Bill was circulated for opinion, since the Bill sought to double if not treble the electorate.

The *Home Member* then presented the report of the Select Committee on the *Bengal Suppression of Immoral Traffic Bill* of *Mr. J. N. Basu*. The Committee added whipping for males encouraging traffic.

Following the presentation of the Select Committee's report on the *Bengal Money-lender's Bill*, *Khan Bahadur Arxizul Huq* (mover) proposed that the Bill be taken into consideration. *Mr. N. K. Basu* moved that the Bill be recommitted to the Select Committee. *Mr. W. D. R. Prentice*, Home Member, said that the Bill as emerged out of the Select Committee was different from what it was and Government wanted time to consult not only judicial but revenue officers regarding the effect of the provisions of the Bill on rural economic life. He, therefore, supported the motion for recommitment, which was passed without a division.

At the instance of the *Minister for Local Self-Government* a non-official Bill to further amend the *Bengal Municipal Act of 1932* was circulated. The Minister pointed out that the Bill would affect the principle of the Act which came into force in December last and it would be expedient to circulate the Bill for eliciting public opinion. The House then adjourned till the 28th.

#### H. E. the Governor's Address

**28th. FEBRUARY** :—Addressing the Council, H. E. the Governor referred to the most serious of the political problems viz., the existence of a terrorist conspiracy, with ramifications extending throughout and beyond the limits of the province. The record of the year had been marred by a number of deplorable outrages as a result of which four valued servants of the Government had lost their lives. It was an elementary obligation of the Government to combat the menace by all means at their disposal. In this connection, the Governor referred to the steps taken for strengthening the police, by quartering troops which was an indication of the determination to grapple effectively with the situation.

"Civil Disobedience" added the Governor, "except in a few areas, is no longer an active menace. Though the mischief in many places is only latent, still it is liable to break out fresh if the grip of the law be relaxed." The Governor thanked the Council for the timely recognition of the need for arming the Executive with exceptional powers. This co-operation of the Council was reflected in the increasing disposition on the part of the general public to support and assist the Government in the task of maintaining peace and good order.

Apart from minor incidents, the province, the Governor observed, had been on the whole free from outbreaks either of communal or agrarian disorder. Turning to the economic sphere, the Governor said that the jute market with which the prosperity of the province was closely bound up had been deplorable. Tea had also fallen on evil days, though there was a fair prospect. Measures had been agreed upon which should result in establishing the market conditions at an improved level. The prices of paddy had touched record during the year.

Thanking the Retrenchment Committee for their labours, the Governor said that Bengal's standard expenditure had been always low. If the expenditure per head in 1929-30, instead being as low as Rs. 2-8, had been as high as the figure just over Rs. 4 in Madras, not to speak of the figure of Rs. 8-4 in Bombay, the scope for retrenchment would have been much greater and the task of producing a balanced budget would have been an achievement which could be accomplished without permanently impairing the efficiency of the administrative machine.

Referring to the Retrenchment Committee's recommendations for a reduction of the size of the Cabinet from seven to five, the Governor said that it was not worth while to incur the disadvantages of disorganising the existing arrangements for the sake of small saving.

Concluding, the Governor asked whether the results of the efforts of the Government in the province and its representatives on the various Round Table Conferences were going to ensure a full measure of benefit for the province or whether they in part were going to be frittered away as a result of the conduct of a section of those on whose behalf these efforts had been made. Expenditure had been incurred in combating the various subversive movements amounting to Rs. 112½ lakhs in the past three years. That sterile expenditure was still going on. If it be



whose "Brahmanical training" was responsible for this motion which, in the speaker's view, was a travesty of facts. If Mr. Bannerjea did not object to the Depressed Classes' representation in the Central Legislature, why should he refer to the "peculiar circumstances of Bengal"—a peculiarity which did not exist? After quoting instances where Depressed Classes men could not get elected by local constituencies, Mr. Roy concluded that Mr. Bannerjea and his friends who opposed the Poona Agreement, which was an All-India Agreement were really opposed to the elevation of the Depressed Classes who it was well to remember, were their own kith and kin. Mr. S. M. Bose accorded hearty support to the resolution, and maintained the Poona Pact divided Bengal Hindus. *Moulvi Abdus Samad*, the only Mahomedan Councillor to support joint electorate for Mahomedans, condemned the Poona Pact, which, in his opinion, deprived Hindus of their birth-right. Mr. *Ananda Mohan Poddar* submitted that the Poona Pact was superfluous, so far as Bengal was concerned.

Mr. *Mukund Behari Mullick*, opposing the resolution, closely examined the mover's speech, and declared that Mr. Jitendralal did not understand para four of the Premier's Award. Notwithstanding Mr. Bannerjea's protestations, the fact was that certain Depressed Class Hindus were denied political and social rights in Bengal. The speaker asked if Mr. Bannerjea disputed the representative character of leaders like Pandit Malaviya who had signed the Poona Agreement in which after six months Mr. Bannerjea discovered new flaws.

*The Hon'ble Mr. Prentice*, Political Member, speaking for the Government, explained why he had agreed to take up the special motion. After explaining the Premier's Award and the story of the Poona Pact, the speaker referred to the unanimous acceptance of the Pact in Bengal in the earlier days. His impression was that the Pact was referred to Bengal, and the Hindus of the province had accepted it wholesale. He would appeal to Bengal to await the White Paper, which was shortly due to be published, and then submit to the Government her unanimous recommendation. Explaining the Government's position, he said that they were not taking part in the voting on the motion.

*Dr. Naresh Chandra Sen Gupta* characterised the Poona Pact as a monument of political folly. *Moulvi Abdul Karim* maintained that the mentality of those like the previous speaker was responsible for the demand of separate electorate by Mussalmans and the Depressed Classes. The Poona Pact had been published in the Government Gazettee and in Indian Press in order to elicit public opinion. None criticised the Pact then, but everyone blessed it. If the Pact was meant to persuade Mr. Gandhi to break his historic fast, why did not the Caste-Hindus of Bengal repudiate it immediately after the Mahatma's break of the fast? He declared that if Caste-Hindus were more Catholic and less narrow-minded, there would be no demand for separate electorates by Muslims or Depressed Classes.

At this stage closure was applied and agreed to.

The Council carried the motion by 36 votes against 27, the Government and European blocks not taking part in the voting.

#### Voting on Budget Grants—Land Revenue Demand

**15th. MARCH :—**Voting on Budget Grants commenced to-day when the Council voted the total demand of Rs 37,94,000 for expenditure under the head "Land Revenue". Out of a hundred cut motions for reduction and refusal of grant only ten were moved, the majority being lost without a division, while the rest were withdrawn.

#### EXCISE DEMAND

The *Minister for Local Self-Government* then moved a demand for Rs 17,05,009 under the head "Excise". Moving the demand Mr. B. P. Singha Roy, Minister, said that the policy the department followed had been one of maximum revenue and minimum consumption. The Government were seriously thinking whether a change of policy was called for.

**16th. MARCH :—**Mr. *Amulyadhan Roy* raised the question of the appointment of the Depressed Classes men or of the scheduled classes in the Excise Department. The Minister expressed sympathy with the motion, which was, however, lost.

A keen debate ensued over Mr. Ray's "cut" urging the granting of licenses for excise shops to Depressed Classes. Mr. Ray bitterly complained that educated members of his community were not treated properly in this respect. He would urge representation according to population. Rev. B. A. Nag wondered why the

Depressed Classes should be brought to the demoralising atmosphere of the grog-shop. *Minister B. P. Singh Roy* replied that the Government made no difference between the educated men of one community and another.

The motion was rejected without a division.

*Mr. P. Bannerjee* (Nationalist) unsuccessfully raised the question of rewards to private persons. The House rejected *Mr. K. M. Chaudhury's* motion for reduction of the Excise grant by Rs. 50,000.

The Government's failure to devote the Salt contribution from the Central Government for the organisation and manufacture of salt in Bengal was subjected to criticism by *Mr. Narendra Kumar Basu* who, sponsoring his token "cut", quoted Sir George Schuster's assurance in the Assembly that the Provincial Governments would undertake the encouragement and development of the salt industry from the grants made by the Imperial Government. Salt manufacture in this province was not only possible, but feasible. Without calling it a breach of faith, the mover would condemn the Government's action in spending the grant for purposes other than what it was earmarked for.

*Mr. Thompson* (Leader of the European group) explained that good salt could not be produced in Bengal. *Mr. P. N. Guha* stated that he could not understand how and where Bengal's good salt, which was available till a hundred years ago, had mysteriously vanished. *Dr. Naresh Sen Gupta* declared that the question was a clear one, namely, whether the Bengal Government had or had not spent the Government of India's grant to stimulate the industry. Did they give bounties to the struggling private industry which, foreign competition was seeking to kill? The speaker remembered that in his young days, he was told that cotton cloth manufacture in Bengal was unprofitable and impossible in the face of Bombay's competition. Yet, to-day, Bengal was a large producer of cotton cloth and that industry had come to stay. Similiar were "the difficulties" that were trotted forth in respect of the salt industry.

The Hon'ble *Mr. Woodhead* (Finance Member) replying for the Government denied any breach of faith on their part, and read out extracts from the correspondence between the Government of Bengal and the Government of India, to show that the Local Government's inquiry into the subject did not encourage them to rush forward. Large scale production in any case was not a practical position, because local salt would cost Rs 81-4 per cwt., while other salt was available for Rs 66. The Finance Member repudiated the suggestion that the Government had no sympathy with the object of the resolution. He added that the Government would continue their experiment.

The House divided and rejected the motion by 64 against 27 votes.

*Mr. H. R. Norton* then moved a token cut of Rs 100 in the excise demand, to discuss fresh avenues of excise taxation. *Mr. Norton* suggested taxation on pan.

Without a discussion, the House divided and rejected the motion by 80 to 59 votes. The guillotine was now applied, and the entire Excise demand was voted.

#### STAMPS AND FOREST DEMAND

All the non-official motions in respect of Stamps and Forests being defeated, the Council voted the entire demand of Rs. 4,78,000 under Stamps, and Rs 8,35,000 under Forests. The House had just passed on to the Registration demand, when it adjourned.

#### REGISTRATION & "SCHEDULED TAXES" DEMAND

**17th. MARCH :—**The Council granted to-day a sum of Rs. 18,27,000 on the motion of the Minister, the Hon'ble *Mr. K. Nazimuddin* for Registration and Rs. 5,000 at the instance of the Finance Member for "Scheduled Taxes".

*Mr. P. Bannerjee* moved a token cut of Rs. 100 on the demand under "Scheduled Taxes" in order to show the need for starting a State lottery managed by the non-officials in aid of hospitals of Bengal. *Mr. Banerjee* strongly criticised the Government's plea of paucity of funds. But Government must wake up to the fact that there was absolutely no accommodation in hospitals, outdoor or indoor. Even charitable dispensaries had ceased to work. The poor cultivators cannot afford. The plea of "illegality" of a lottery need not stand in the way; for law can be changed. The Irish Sweep Stakes had contributed 88 lakhs in aid of hospitals in the first year, said *Mr. Banerjee*. That should set an example.

The Hon'ble *Mr. Woodhead*, replying, said that the Government policy had been for many years one of opposition to lotteries on the ground that they encourage

gambling instinct. Another difficulty was that once a lottery was sanctioned for one purpose, they would have got to make for other purposes. Nor was a State lottery a good business proposition. The ten-rupee ticket, said the Hon'ble Finance Member, is really worth only Rs. 5. The cost of management did not pay.

The cut motion was negatived by 51 to 36 votes.

The original demand of Rs 5,000 for "Scheduled taxes" was voted.

When the demand of Rs. 18,27,000 for expenditure under head "Registration" was discussed, Mr. *Abdus Samad* moved a token cut of Rs. 100 to criticise the policy of recruitment of sub-Registrars. Mr. Samad said that there were depressed classes among Mahomedans as among the Hindus and Government should give jobs as much to the former as to the latter.

The Hon'ble Mr. *K. Naximuddin* replying, said:—"There exists no backward classes among the Moslems. There is no other reply necessary".

The demand under "Registration" was voted.

#### IRRIGATION DEMAND

The Hon'ble *Sir A. K. Ghuznavi* moved a grant of Rs. 35,05,000 for expenditure under "Irrigation". Dr. *N. C. Sen-Gupta* strongly criticised the lack of an Irrigation policy on the part of the Government which had an over-expensive cadre. To this Hon'ble *Sir Abdel Karim* put forward the plea of an Herculean task for the Irrigation department. The discussion was not concluded when the Council adjourned.

**18th. MARCH :—**The demand of Rs. 35,05,000 for expenditure under head "Irrigation" was voted to-day. A sum of Rs. 1,000 for expenditure under head "Interest on other obligations" was also voted.

#### GENERAL ADMINISTRATION DEMAND

The demand for a reduction in the size of the Executive Council was made by several members. The Hon'ble Mr. *W. D. R. Prentice* moved the demand for a grant of Rs. 99,40,000 for expenditure under head "General Administration."

Mr. *N. K. Basu* moved to reduce the Executive Council demand of Rs. 13,000 by fifty per cent with a view to reduce the size of the Executive Council. The number of speakers was longer than over the other motions and the time taken was over an hour and half. Mr. *J. N. Gupta*, from his personal executive experience of over a quarter of a century, heartily supported the motion and said the Executive Council could be conveniently reduced by half without impairing efficiency. Mr. *Santi Shekhareswar Roy*, however, differed from the view and opposed the reduction in the size of the Executive Council because landlords and zemindars would lose the opportunity of serving therein. *Rai Bahadur Keshav Bannerjea*, on the other hand, reminded the Government of the gloomy picture drawn by the Finance Member of Bengal's finances and urged the reduction. The Hon'ble Mr. *Prentice* complained of over-work for the existing members and said that reduction was impracticable. The Chief Secretary Mr. *Reid* explained the difficulties in the Revenue Department.

The motion was negatived without division and the House adjourned till 20th.

**20th. MARCH :—**The House defeated two token cuts to-day, the first drawing attention to the "apathy of the Government in not answering important and relevant questions of the members of the Council" and the second, calling attention to non-acceptance of recommendations of the Retrenchment Committee as regards the Reserved Departments."

#### REDUCTION OF MINISTERS' SALARIES

The Council rejected a number of proposals to reduce the salaries of the three Ministers. In the course of the debate, it was made clear that these motions were pure economy "cuts", and were not intended to be censure motions.

Mr. *N. K. Basu*, moving his "cut", maintained that the idea of prestige depending on higher salaries had now been exploded as a myth.

Mr. *Shyamaprasad Mukherjee* stressed the fact that there was no country in the world where a salary of Rs 64,000 annually was payable to Ministers. He challenged the Home Member to point out a single instance in the history of the world, where an equal salary was paid to Ministers. Mr. Mukherjee alluded to the salary of the German President, who got only Rs 55,000 and said that in one respect, their Ministers had out-Hindenbured President Hindenburg. The speaker then referred



to the example shown by the Bombay Ministers, who had voluntarily accepted Rs. 4000 per month. He failed to understand why their Ministers should not emulate Bombay's example.

Opposing all the 'cut' motions, Mr. *J. L. Bannerjee* said that if four members were required to the Reserved side, more than four were required on the Transferred side. Ministers were their servants, and by crippling them they would be crippling themselves.

Mr. *W. D. R. Prentice*, Home Member, said that as regards the number of Ministers, it was fixed by the Governor under the Government of India Act. Dealing with the question of salary, he said that it was a general truth that in this country status very largely depended on pay. He added that it would be departing from the repeated decisions of the House if they gave a lower pay now and suggested that the Council should maintain the present salary until the new Constitution came into being.

#### EDUCATION TRANSFERRED DEMAND

**21st. MARCH :—**The Council, to-day, rejected the cut motion of Mr. *J. L. Bannerjee*, expressing dissatisfaction with the policy of the Education Minister in the administration of his Department. Asking the House to reduce the demand of Rs. 1,81,600 under the head 'Education' by Rs. 100, Mr. Bannerjee said that compared to his two colleagues, the Education Minister possessed a blank record. Referring to the appointments in the department, Mr. Bannerjee said that there had been a distinct communal bias in the conduct of the Minister in that respect.

The Minister, Mr. Nazimuddin, replying, stated that the Government did not bring forward a Bill for University reform, firstly because the University had effected some reforms itself and, secondly, because the University requested the Government to allow it to have its say on the final recommendations of the Government. As regards primary education, the Minister said that the main difficulty in giving effect to the Primary Education Act lay in the fact that enforcement of the Act presupposed the imposition of an education cess and at the present moment, none could conceive of an additional tax being levied on the zamindar or ryot. As regards the appointment of Muslims, the Minister maintained that actually more Muslims had not been appointed than the number Government approved, and the appointments made were justified on their merits. Denying the allegation, the Minister took his stand on the Government circular reserving a certain number of posts for Mahomedans on minimum qualifications. Explaining why Mahomedans preferred to have a certain number of teachers of their own community, he said that it had been found—human nature being what it was—that non-Mahomedan students got more help out of college hours from Hindu Professors.

#### DEMAND UNDER ADMINISTRATION OF JUSTICE

The House sanctioned the entire demands of Mr. *W. D. R. Prentice*, Home Member, for Rs. 99,49,000 for General Administration and Rs. 77,71,000 for the Administration of Justice. During the discussion on the demand for "Justice," the House rejected a cut, moved by Mr. *N. K. Basu*, by 41 votes to 40, calling attention to the system of hearing second appeals by junior Judges, sitting singly.

#### DEMAND UNDER JAILS

**22nd. MARCH :—**The grievances of "Political prisoners regarding diet, accommodation, bad treatment and non-supply of mosquito curtains" were discussed to-day when by a token cut, a non-official member criticised the general policy of the Jail Department.

Sir *P. C. Mitter*, Member-in-Charge of Jails, pointed out that the Government did not recognise 'political prisoners' as such. These formed a small proportion of the total Jail population in the province, which was nearly 20,000. He added that, unfortunately, persons in authority were sometimes forced to apply the drastic provisions of the Jail Code, because some people, who for political reasons courted imprisonment, tried to make jail administration difficult.

The token 'cut' was lost by 64 votes to 19. The House sanctioned the total demand of Rs. 48,50,000 for Jails and Convict Settlements.

#### DEMAND UNDER POLICE

Mr. *W. D. R. Prentice* moved for a grant of Rs. 2,10,71,000 for Police. Mr. Prentice said that the permanent police force in the city and the province

remained much the same during the last six years. If conditions returned to normal the expenditure on the Police would be reduced.

Two "cut" motions were moved to criticise the policy of the Government recruiting non-Bengalis to the ranks of Inspectors and Sub-Inspectors, etc. and to demand the appointment of sergeants from among Bengalees and others domiciled in the province. Mr. *Prentice* said that experience had shown that a European force was required to deal with certain aspects of Police work in the city. As regards Inspectors, etc., the majority of the appointments went to Bengalis.

The cut motions were lost. The House then adjourned.

**23rd. MARCH:**—On the motion of the *Home Member*, the Council voted the entire grant for 'Police' to-day. The question of "unrestricted gambling in carnivals" was raised through a token cut, replying to which Mr. *Prentice* pointed out that orders were issued to the police to do all in their power to put a stop to it, and so far as he was aware, the orders were carried out. He added that the proposals to deal with gambling were under consideration. The cut motion was withdrawn.

The "bribery and corruption in traffic management" and "the increased corruption in the department, with particular reference to the traffic police," were referred to by Mr. *Munindra Deb Rai Mahasai* and Mr. *P. Banerji* by means of two token cuts. Both alleged that monthly payments were made by bus-owners to the Police to avoid harassment. Mr. *R. N. Reid*, Chief Secretary, said that it was a matter which the Government did not treat lightly. The Government regarded it with the utmost aversion and the officers had very definite instructions to deal with it. If any police officer was caught taking bribes, he would be at once dismissed without hesitation. Both the "cuts" were rejected.

By a token "cut" of ten rupees, Mr. *J. N. Gupta* (retired) drew attention to the "failure of the Government to give effect to the recommendation of the Retrenchment Committee for reorganisation of the Calcutta Police."

Replying, the *Home Member* said that the Government were dealing as quickly as possible with the recommendations of the committee and pointed out that it was impossible to accept some recommendations. For instance, Government were convinced, conditions being what they were, that they could not reduce the number of Deputy Commissioners of the Special Branch which dealt with terrorism.

The cut motion was lost.

#### OTHER DEMANDS

The Council in quick succession voted the demands of the Finance Member for Rs. 3,720,00 for Ports and Pilotage, Rs. 26,000 for Scientific Departments, and Rs. 10,43,000 for Education reserved.

#### EDUCATION (RESERVED) DEMAND

**25th. MARCH:**—Replying to a token cut motion in the Council to-day, on the question of co-education in English high schools, Mr. *K. Nazimuddin*, Education Minister, said that personally he thought co-education in the villages would introduce a new element of friction, dividing the people seriously, and ultimately affecting the efficiency of the institutions. The University policy of permitting co-education up to the age of ten, according to the Minister, was a wise one. He, however, promised to forward the proceedings of the debate to the University for consideration. The motion was withdrawn.

By a token cut, Mr. *W. E. Wordsworth* asked an explanation from Government, whether they had abandoned the intention of modifying the constitution of the University, and setting up a separate organisation for the administration of Secondary Education. The Minister said that the Government had no such intention now. The first reason was inadequate finance and the second was the impending Constitutional reforms, when the present attitude of hostility might change. The "cut" was withdrawn and the House adjourned till the 27th.

#### EDUCATION & MEDICAL DEMAND

**27th. MARCH:**—The Council voted to-day Rs. 1,07,06,000 for Education ( Transferred ) and Rs. 42,94,000 for Medical.

In connection with the demand under Education, an animated debate ensued following the token cut of Mr. *G. R. Dain*, urging the slowing down of University education, until primary education had further advanced. This received serious opposition from all sections, including the Education Minister.

Opposing the motion, Mr. *Shyamaprosad Mukherji*, on behalf of the Calcutta University, claimed that the present system of University education, despite its manifest faults, had achieved striking results, in that it had aroused the national consciousness of this vast country.

Mr. *W. C. Wordsworth*, supporting Mr. Mukerji, remarked that Europeans in India forgot that while in England, men could find their way to the different professions by a variety of ways, in this country it was hardly possible for any one to get any work of a dignified kind, unless he passed through a University.

*Khan Bahadur Azizul Haq* on behalf of Mahomedans opposed the motion, not only on general grounds but also on the special grounds that his community, which was so long backward in University education, should not be debarred from receiving it, when it was possible for them to do so.

Replying to the debate, the *Education Minister* said that they could not accept the proposal that the present activities of the University should be curtailed. Even if the proposal was accepted and a certain amount of money diverted from University or primary education, the money available would be so small that it would not in any way materially improve the present position of primary education in Bengal.

The motion was withdrawn.

#### PUBLIC HEALTH DEMAND

**28th. MARCH :—**The Council sanctioned the Minister's demands for Rs. 38,63,000 for Public Health. Hon'ble Mr. Singh Roy claimed that they spent more in this respect than the rest of India. Much more could be done, but for "ministry-baiting", which was depriving Bengal of the full advantage of the present constitution.

#### OTHER DEMANDS VOTED

*Nawab Faroqui* demanded Rs. 11,46,000 for Industries, referring in this connection to the provision of over one lakh for the relief of the Bhadrakol unemployed.

**29th MARCH :—**The Council granted Rs. 11,46,000 for "Industries", Rs. 1,99,000 for "Miscellaneous Departments", Rs. 71,47,000 for "Civil Works", Rs. 56,000 for "Famine Relief" and Rs. 20,37,000 for "Stationary and Printing". All the Budget demands for 1933-34 were granted.

#### EXPENDITURE FOR TROOPS IN BENGAL

Hon'ble Mr. *Woodhead* moved a supplementary grant of Rs. 50,000 for expenditure for troops in Bengal. *Maulvi Hassan Ali* moved a token cut of Rs. 100 on the above grant and thereby entered a protest against the recent shooting of 2 Mahomedans at Chittagong by the troops. Mr. *R. N. Reid*, Chief Secretary, replying expressed profound regret and assured the House that proper compensation would be made to the relatives of the victims concerned. Mr. Reid doubted very much if the incident was a case in which blame could be fastened justly on any one. The motion was lost by 49 votes to 16. The entire demand of Rs. 50,000 for the troops was voted.

#### The Immoral Traffic Bill

**30th. MARCH :—**The Council discussed the Bengal Suppression of Immoral Traffic Bill, 1932 which was taken into consideration, on the motion of Mr. *J. N. Basu*, as reported by the Select Committee. A recommittal motion having been lost the Bill was taken clause by clause and reached only the 4th clause out of a total of 24 clauses. Mr. *J. N. Basu* in moving the consideration of the Bill said there had been a difficulty experienced by the Select Committee regarding the definition of the word "brothel". The Select Committee carefully considered the matter. Their point of view was that the Bill was intended to suppress Immoral "Traffic", rather than prostitution. There was one broad feature of the Bill, said Mr. Basu. The Bill originally drafted was intended to apply to both males and females. But the Select Committee had taken out all references to male persons.

Moving a motion for recommittal of the Bill to the Select Committee with four other added members on it, Mr. *Shanti Shekhareswar Roy* said that many members had not had time to go through the Select Committee Report. The Bill had been drawn up in haste and more with enthusiasm than knowledge of the subject. In fact, there was very little left of the original Bill, all the clauses having been changed. Mr. *P. Banerjee* said that the Bill had been changed lock, stock and barrel. Rai Bahadur *S. N. Das* observed that the Bill was a surprise at the fag end of the session. Khan Bahadur *Abdul Momin*, Mr. *W. C. Wordsworth*, Mr. *J. N. Gupta*



and Mr. J. L. Banerjee opposed the recommittal motion. The motion was lost by 56 to 38 votes.

**31st. MARCH :—**The Bengal Suppression of Immoral Traffic Bill, 1932 was further discussed when four more clauses were disposed of to-day, none of the amendments being carried. Mr. *Shanti Shekhareswar Roy*, by way of an amendment, sought to legally empower the Calcutta Corporation, Municipalities and District Boards in Bengal to establish "licensed brothels" in conformity with rules prescribed by the Local Government. Mr. *W. C. Wordsworth* opposed the motion and said that the majority of the civilized countries were abolitionists and there were abolitionists in India; there was no reason why "licensed brothels" should be established in India. Dr. *N. C. SenGupta*, opposing the motion, said that "Licensed brothels" would be 'concentrated centre of vice.' The amendment was withdrawn.

Rai Bahadur Dr. *Haridhon Dutt* moved an amendment seeking to empower "a headmaster of a school recognised by the University of Calcutta or established by the Corporation of Calcutta or Inspector or Inspectress of Schools or the Principal of a college affiliated to the "University of Calcutta" to put forward a complaint on which the court is to take cognisance of the offence of keeping a brothel.

The Hon'ble Mr. *K. Nazimuddin*, Minister of Education, and others objecting, the motion was eventually lost. The Council then adjourned.

**1st. APRIL :—**The Suppression of the Immoral Traffic Bill was passed by the Council to-day without a division. The operation of the Bill extended to the whole of Bengal. The *Home Member* explaining the Government attitude, said that it was one of entire benevolence. What they had done was to give help and try to make it workable.

#### CALCUTTA MUNICIPAL AMEND BILL

The Bill to amend the Calcutta Municipal Act was introduced by Minister *B. P. Singh Roy*.

#### MOTION ON WHITE PAPER

The *Home Member* then moved a special motion asking the House to consider the White Paper and recommend to the Government to forward the proceedings for information to His Majesty's Government and also for consideration by the Joint Select Committee. He added that the Government would not participate in the discussions, except explaining facts to remove any misunderstanding.

**3rd. APRIL :—**A strong condemnation of the White Paper was made by Mr. *Shyama Prosad Mukherjee* to-day, when he observed that the proposals for constitutional reforms therein betrayed a lack of trust on the part of the Government in the Indians' capacity to govern. The Government had missed a great opportunity. And between the path of good-will and the path of 'might is right,' the Government had made its choice for the latter. Nearly all sections of the House expressed dissatisfaction with the proposals both from the financial and constitutional aspects.

Mr. *W. H. Thompson*, speaking on behalf of the European Group, claimed that the Europeans had made a great sacrifice, as in the White Paper the spoils were going to the Indians. The Council then adjourned.

**4th. APRIL :—**The constitutional proposals received an added dose of condemnation from nearly all sections of the House, the Moslem group being more definite and precise than ever. *Mauvi Tamizuddin Khan* was "disillusioned" and Mr. *H. S. Sukrawardy* was "disappointed if not mortified". Mr. *N. K. Basu* declared that the constitution proposed in the White Paper, hatched in the India Office, was a political abortion. Mr. *E. Lockhart*, a member of the European community, said that without Congress co-operation, or the Congress policy remaining what it is, the introduction of the Reforms would be nothing more than waste of money. Mr. *J. L. Banerjee* was the solitary Hindu member who earned a few claps from the Treasury Benches, by beginning with a pretty good number of "sugar-coated" phrases in condemnation of the safeguards which he described as "formidable", easily veered round to the view that the constitution could be worked up to Dominion Status and more by willing men.

The House, on the motion of the Hon'ble Mr. *Prentice*, decided to forward a copy of the debate to the Government of India for consideration of the Joint Parliamentary Committee. The Council was then *prorogued*.

# THE BOMBAY LEGISLATIVE COUNCIL

## LIST OF MEMBERS

President :—The Hon. Sir Ali Mahomed Khan Dehlavi

- |    |   |    |   |
|----|---|----|---|
| 1  | ABDUL LATIF HAJI HAJRAT<br>KHAN, KHAN BAHADUR                     | 29 | DHALUMAL LILARAM, MR.   |
| 2  | ACHREKAR, MR. ATMARAM<br>BHIMAJI                                  | 30 | DHURANDHAR, MR J. R.  |
| 3  | ADVANI, MR. P. B.   | 31 | DIXIT, DR. M. K.  |
| 4  | ALLAHBAKSH WALAD KHAN<br>SAHEB HAJI MAHOMED UMAR,<br>KHAN BAHADUR | 32 | DOW, MR. H.   |
| 5  | AMBEDKAR, DR. B. R..  | 33 | D'SOUZA, DR, JOSEPH ALBAN   |
| 6  | ANGADI, RAO BAHADUR S. N.   | 34 | EWBANK, MR. R. B.   |
| 7  | ASAVLE, RAO BAHADUR<br>RAMCHANDRA SANTURAM                        | 35 | FREKE, MR. C G.   |
| 8  | BAKHALE, MR. R. R.  | 36 | GANGOLI, MR. GANAPATI<br>SUBRAO   |
| 9  | BALUCH, MR. HAJI MIR<br>MAHOMED                                   | 37 | GHULAM HYDER SHAH<br>SAHIBDINO SHAH, MR.                                  |
| 10 | BANGI, MR. ABDUL KADIR<br>JAMALUDDIN                              | 38 | GHULAM NABI SHAH MOUJALI<br>SHAH (SYED), KHAN BAHADUR                     |
| 11 | BHURGRI, MR. JANMAHOMED<br>KHAN WALIMAHOMED KHAN                  | 39 | GILDER, DR. MANCHERSHA<br>DHANJIBHAI                                      |
| 12 | BHUTTO, SIR SHAH NAWAZ<br>KHAN GHULAM MURTAZA KHAN                | 40 | GOKHALE, MR. LAXMAN<br>RAGHUNATH  |
| 13 | BHUTTO. MR. WADERO NABI-<br>BUKSH ILLAHIBAKSH                     | 41 | GOVER RORA, MR.   |
| 14 | BIJARANI, KHAN BAHADUR<br>SHER MUHAMMAD KHAN<br>KARAM KHAN        | 42 | CREAVES, MR. J. B.  |
| 15 | BIRADAR, SARDAR MAHABOOBALI<br>KHAN MOHAMED AKBAR KHAN            | 43 | HUMPHREY, MR. JOHN  |
| 16 | BOLE, RAO BAHADUR SITARAM<br>KESHAV                               | 44 | JAM JAN MAHOMEDKHAN<br>WALAD JAM MAHOMED SHARIF,<br>KHAN BAHADUR          |
| 17 | BULLOCKE, MR. ALFRED GUY<br>CREVILLE                              | 45 | JAN MAHOMED KHAN WALAD<br>KHAN BAHADUR SHAH PASSAND<br>KHAN, KHAN BAHADUR |
| 18 | CHIKODI, MR. P. R.  | 46 | JITEKAR, MR. HAJI IBRAHIM   |
| 19 | CHITALE, RAO BAHADUR<br>GANESH KRISHNA                            | 47 | JOG, MR. VISHWANATHRAO<br>NARAYAN   |
| 20 | CLEGG, MR. C. B.  | 48 | JONES, MAJOR W ELLIS  |
| 21 | COLLACO, DR. J. A.  | 49 | KADRI, R. JALALUDDIN  |
| 22 | COOPER, KHAN BAHADUR<br>DHANJISHAH BOMANJI                        | 50 | KALBHOR, MR. GANGAJIRAO<br>MUKUNDRAO                                      |
| 23 | COVERNTON, MR. S. H.  | 51 | KALE, RAO BAHADUR RAOJI<br>RAMCHANDRA                                     |
| 24 | DAVIL, MR. C.   | 52 | KAMAT, MR. B. S.  |
| 25 | DEHLAVI, THE HONOURABLE<br>SIK ALI MAHOMED KHAN                   | 53 | KAMBLI, THE HONOURABLE<br>DEWAN BAHADUR<br>SIDDAPPA TOTAPPA               |
| 26 | DESAI, RAO SAHEB BHAGWANDAS<br>GIRDHARDAS                         | 54 | KARBHARI, MR. MANCHERSHAW<br>MANEKJI                                      |
| 27 | DESAI, MR. HANMANTRAO<br>RAMRAO                                   | 55 | KHUHRO, KHAN BAHADUR<br>MUHAMMAD AYUB SHAH<br>MUHAMMAD                    |
| 28 | DESAI, MR. SHANKARAPPA<br>BASALINGAPPA                            | 56 | KULKARNI, RAO SAHEB<br>PANDURANG DAYANEHWAR                               |
|    |   | 57 | LANE, MR. C. M.   |
|    |   | 58 | MADKIE, MR. A. W. W.  |
|    |   | 59 | MADHAVSANG JORBHAI, MR.   |

60	MASTER, MR. A.	87	SAHEBSINHJI JUVANSINHJI, MR
61	MATCHESWALLA, MR. GULAM-HUSSEN EBRAHIM	88	SHAH ROOKH SHAH YAR JUNG BAHADUR, NAWAB
62	MAXWELL, MR. R. M.	89	SHAIKH ABDUL AZIZ ABDUL LATIF
63	MEHERBAKSH, KHAN BAHADUR S.	90	SHAIK ABDUL MAJID LILARAM,
64	MEHTA, MR. MANILAL HARILAL	91	SHANKARRAO JAVARAMRAO ZUNZARRAO
65	MITHA, MR. MAHOMED SULEMAN CASSUM	92	SHINDE, MR. RAMCHANDRARAO BAPURAO
66	MODAK REV. R. S.	93	SOLAKI, DR. PURSHOTTAMRAI G.
67	MODI, SARDAR DAVAR TEMURAS KAVASJI	94	SPENCE, SIR REGINALD
68	MONTEATH, MR. J.	95	SPENCER, MR. A. B.
69	MORE, MR. JAYAWANT GHANASHAM	96	SURVE, MR. A. N.
70	NAIK, SARDAR RAO BAHADUR BHIMBHAI RANCHHODJI	97	SURVE, MR. VYANKAT ANANDRAO
71	NAMDEORAO BUDHAJIRAO, MR.	98	SYED MIRAN MAHOMED SHAH ZANULABDIN SHAH
72	NAVLE, MR. NAMDEV EKNATH	99	SYED MUHAMMAD KAMIL SHAH KABUL MUHAMMAD SHAH
73	OWEN, MR. ALBERT CLIFFORD	100	SYED MUNAWAR
74	PARULEKAR, RAO BAHADUR LAXMAN VISHNU,	101	TALPUR, MIR BANDBHAI KHAN
75	PATEL, KHAN BAHADUR ALIBHAI	102	THAKOR OF KERWADA, SARDAR BHASAHEB ALIAS DULABAWA RAISINGHI
76	PATEL, MR. CHATURBHAI NARSHIBHAI	103	TOLARAI, MR. SATRAMDAS SAKHAWATNI
77	PATIL, Mr NARAYAN NAGOO	104	TURNER, MR. C W. A.
78	PATIL DEWAN BAHADUR DONGARSING RAMJI	105	VAISHAMPAYAN, DR VISHNU GANESH
79	PATIL, RAO SAHEB VAMAN SAMPAT	106	VAKIL, PESTANSHAH N., MR.
80	PATIL, MR. VITHU NATHU	107	VAKIL, THE HON BLE SARDAR SIR RUSTOM JEHANGIR
81	PETIT, Mr. JEHANGIR BOMANJI	108	VANDEKAR, RAO BAHADUR RAMCHANDRA VITHALRAO
82	PRADHAN, RAO BAHADUR GOPALRAO VAMAN,	109	WADKE MR. VHO LANATH PURUSHOTTAM
83	PRATER, MR. S H,	110	WINTERBOTHAM, MR. G. L.
84	RAFIUDDIN AHMAD, MOULAVI, SIR	111	VACCANT
85	RAHIMTOOLA, HOOSENALLY MAHOMED	112	VACCANT
86	RESALDAR, MR. ABDUL RAHMAN KHAN KARAM KHAN		

*BUDGET SESSION, BOMBAY—6th. FEBRUARY TO 24th. MARCH 1933*

**The Governor's Opening Speech**

The Budget Session of the Bombay Legislative Council commenced its sittings at the Council Hall, Bombay on the 6th. February 1933.

His Excellency the Governor, opening the Session, reviewed the situation in the Presidency, and expressed satisfaction at the measure of support his Government had received from the people of the Presidency, which was sufficient for the Government to contemplate the future with the hope "that we have got through those difficult years without losing ground to an extent which would not prevent us from taking full advantage of better days, which we all hope are dawning."

His Excellency continued: "In the political sphere we have peace. It is not, in all respects, the peace which we should have desired. It is not the peace which is required to enable us to properly grapple with the economic and constitutional problems which are before us. But it is a peace which few of us had been optimistic enough to foresee when, in Spring last year, a section of the country again raised the standard of revolt and when for three months in the middle of the year, a large portion of the city was given over to rioting."



His Excellency referred with regret to the separation of Sind from the Presidency, but observed that the responsibilities which the new province would be called upon to discharge were of a magnitude and complexity, which would demand the maintenance of the highest standards of administration.

His Excellency added : "I and my Government hope not only by our further efforts and those of the departments, but also as the result of the recommendations of the Reorganisation Committee, to place a balanced budget definitely before you as a practical possibility in the near future. Our troubles have not been due entirely to the world economic depression. We, in this Presidency, had to divert, in order to counter a subversive political movement, a sum which in itself would have placed our finances on a different footing. I devoutly hope that the steps, both financial and political, at which we are labouring day by day, will forge a stable future constitution, leading steadily towards mutual agreement of those in India and those in Great Britain. No single participant can hope to solve the problem, and for this hope to fructify, it is essential that all parties should give up all other methods than those of reason and throw their combined weight into constructing the best solution.

"We had to face in addition to the subversive action I have mentioned, a diminution in revenue traceable, in proportions which no man can ascertain, both to that movement and to the prevailing slump."

His Excellency concluded : "To me personally, the present Budget Session of the Council is the last during my term of my office and one of great importance. My constant endeavour has been to secure that the machine, which the new Constitution will take over, will be in as satisfactory a condition as I and my Government can make it."

#### THE VILLAGE PANCHAYATS BILL

*Sir Rustom Vakil*, Minister for Local Self-Government, then introduced the Village Panchayats Bill, as amended by the Select Committee. He said that the report of the Committee was a fair compromise of the views of conflicting interests. The main idea by which the Select Committee was guided was that Panchayats should be vested with maximum powers and responsibilities, but that these must be exercised with caution. He had induced the Government to grant Rs. 25,000 during the coming Budget year. Though the amount was small, the very fact that several grants had been cut off owing to financial stringency and this had been made, showed that the Government were anxious to set up village panchayats. As the Government had arrived at a decision now to spend the amount, he felt that two or three officers could be appointed to organise panchayats or in the alternative groups of panchayats could be organised in particular districts to serve as models for future guidance, when funds permitted the establishment of panchayats in all villages. Some members, he said, had thought it fit to question the competence of the Select Committee to amend Clause 37 of the draft Bill. Their contentions were, firstly, that to entrust the administration of justice to a village bench, instead of to a village panchayat, as originally contemplated, was *ultra vires*, in that it introduced a condition which was not germane to the principle of the Bill, and which the Select Committee was not competent to deal with ; and that, secondly, that this amendment would divest panchayats of their judicial powers, reducing in consequence their importance and status.

*Rao Bahadur Naik* (Surat District) raised a point of order, that the Select Committee was introducing a principle which divested the village panchayat of its judicial power by creating a separate bench. *Rao Saheb Kulkarni* (Poona District) moved that the Bill be recommitted to the select committee for reconsideration. *Sir Ahmed Rafiuddin* opposed the motion. The motion was put to vote and lost. The Council then adjourned.

**7th. FEBRUARY :—**The second reading of the Village Panchayats Bill was proceeded with and a number of amendments were moved, one of which sought to disqualify an inamdar from sitting on the panchayat of a village of which he was not a resident. *Sir Rustom Vakil*, Minister for Local Self-Government, opposed the amendment on the plea that it would entail hardship on the inamdar who had considerable stake in more than one village.

Mr. R. B. Ewebank next moved an amendment seeking to remove the disqualification imposed upon women by the original Bill from standing for election to the panchayats. The amendment was carried.

*Rao Sahab Kulkarni* moved an amendment seeking to disqualify persons for election or nomination, who had not received training up to the fourth standard in vernacular. The amendment was opposed by *Sir Rustom Vakil*, Minister, and *Sir M. Rafiuddin*. The amendment was lost without a division.

Another amendment sought to remove disqualification for election and nomination to panchayats on account of imprisonment for offences not involving moral turpitude or incitement to violence. Moving this amendment, *Mr. Gangoli* (Kanara District) asked whether persons like *Mr. Gandhi* or *Mr. Nariman* could be prevented from standing for election to Panchayats merely because they were sentenced to imprisonment. *Sir Rustom Vakil* opposing the amendment, it was pressed to a division and was rejected. The House then adjourned.

**8th. FEBRUARY :—***Mr. L. R. Gokhale* (Poona City) moved an amendment to the effect, that funds required for proper discharge by Panchayats of duties like supervision of village schools and repairs to dharماسalas, shall be supplied if so desired by the Panchayat, by the local authority, district board or Government as the case may be. *Mr. G. Davis*, Secretary to the Government, Legal Department, moved an amendment to the effect, that repairs to village schools shall not be carried out by Panchayat unless sufficient funds were placed at the disposal of the Panchayat or school board. *Mr. Gokhale* withdrew his amendment, whereupon the amendment of *Mr. Davis* was put to vote and carried.

**9th. FEBRUARY :—**There was considerable controversy over Clause 37 which related to the power of the Government to constitute village-benches to try suits and cases. This clause was incorporated by the Select Committee, and provided for the constitution of a village bench having judicial powers. Members of the village bench as a body would be nominated by the District Collector, from among the members of the Panchayat of the village.

*Mr. L. R. Gokhale* (Poona City) moved an amendment, to the effect, that the Village Bench should consist of even members of whom five should be elected by the Panchayat, and two nominated by the Collector. *Mr. J. S. Kadri* (Northern Division) opposed the amendment, as it would not enable the District Collector to see that Muslims, Depressed Classes and other minorities were adequately represented on the Village Benches. *Mr. Alfred Master* (Collector), opposing the amendment, said that in no country except the U. S. A. were judicial officers elected. *Dr. Solanki* (Depressed Classes) moved another amendment, that the Village Bench should consist of seven members, of whom five should be nominated by the Collector and the remaining two nominated by the Collector from among Muslims and Depressed Classes.

Discussion was proceeding when the Council adjourned.

**10th. FEBRUARY :—**Only 37 out of 115 clauses were dealt with in the course of a full four days' debate. The distribution of seats on the Village Bench had been the bone of contention for the last seven hours.

The debate was conducted on communal lines. The leaders of the Depressed Classes joined issue with the Moslems, demanding communal representation on the Village Benches. Several amendments were moved, but each amendment met with the same fate, the "noes" drowning the "ayes", a division being claimed on three occasions.

The sub-section in Clause 37 ran :—"The Village Bench shall consist of five or seven members as may be appointed by the Collector". Amendments were moved for appointing members of the Bench by election. This was opposed by official and many elected members.

An amendment was moved by *Mr. Cassim Mitha* that certain number of seats on the Village Bench should be reserved for Mahomedan and Depressed Classes to be nominated by the Collector.

*Doctor Ambedkar* supported the amendment. If anything had brought disaster to the R. T. C., it was the academic opposition put forward by those who chose to forget facts, said *Dr. Ambedkar*. He further said that if there was anything good in the coming Indian constitution, it was the recognition of the principle of communal representation. *Dr. Ambedkar* liked to know if any member of the Council would assure him that the existing judiciary was free from communal bias.

Discussion had not come to an end, when the Council adjourned.

## CITY OF BOMBAY MUNICIPAL ACT AMEND. BILL.

**11th. FEBRUARY :—**The Bill to further amend the City of Bombay Municipal Act of 1888, with a view to transferring the powers and duties of the trustees for the improvement of the City of Bombay to the Municipal Corporation of the City of Bombay, was taken up for discussion in the Council to-day.

The *Minister for Local Self-Government* introducing the Bill, said that the step was taken to amalgamate the Improvement Trust of the City of Bombay with the Corporation under the Improvement Trust Transfer Act of 1925. The purpose of the Bill, continued the Minister, was to provide machinery with the powers necessary to enable the Corporation to assume direct charge of the property and responsibilities of the Improvement Trust. The Government had granted substantial loans, and they were vitally concerned with its financial soundness. The Government had made available an additional revenue to the extent of Rs. 8 lakhs, rising probably in fifteen years to Rs. 11 lakhs.

Mr. *Meyer Nissim*, supporting the Bill, said that at the conference held on 5th October, a provisional understanding was arrived at between the representatives of the Government and the Corporation, by which it was agreed that the trust was completely to be amalgamated with the Corporation by an amendment of the Municipal Act and that a committee on the lines of the Standing Committee was to be constituted composed of twelve councillors elected by the Corporation and four councillors nominated by the Government.

**13th. FEBRUARY:—**The motion for the first reading of the Bill was carried unanimously to-day. On the motion of the Minister it was referred to a Select Committee.

## BOMBAY FERRIES ACT AMEND. BILL

The Bill to further amend the *Bombay Ferries Act of 1868* was passed into law. By this Bill it was sought to extend the system of licensing to all boats plying for hire on any creek or river so as to safeguard against overloading.

## PREVENTION OF CRUELTY TO ANIMALS AMEND. BILL

The Home Member moved a *Bill to further amend the Prevention of Cruelty to Animals Act of 1890* which was passed into law. The Council then adjourned.

## OPENING OF LIQUOR SHOP

**14th. FEBRUARY :—***Haji Mir Mahomed Baloch* (Karachi City) moved adjournment of the Council to discuss the Government policy underlying opening of liquor shops in the presidency especially in Karachi and Ahmedabad, in view of shops to be opened following the auction on February 18. The Leader of the House opposed the motion as the matter, he said, was not urgent and the excise policy of the Government was the same as stated in the resolution of 1925 and applicable all over the presidency. The President disallowed the motion.

## BOMBAY PRIMARY EDUCATION AMEND. BILL

The Council then took up the *Bill further to amend the Bombay Primary Education Act* (fourth) 1932. Mr. *R. R. Bakhale* (nonofficial nominated) moving the Bill suggested the desirability of stating the upper age-limit for compulsory education at least up to 12 years. The present system at Bombay under which education stops at eleven involves loss of a valuable year and jeopardises results already achieved, according to the recommendation of the Royal Commission in Labour in India. The motion for the first reading of the Bill was put to vote and lost.

**16th. FEBRUARY :—***Sheikh Abdul Majid* (Karachi) drew the attention of the President to certain criticisms published in the 'Times of India' regarding the proceedings of the Council and asked whether it was fair and justified. The President said that there was nothing for the Chair to take action.

## THE GAMBLING ACT AMEND. BILL

Mr. *L. R. Gokhale* (Poona) moved a bill to amend the Gambling Act, the object of which according to the mover was to confine betting on the race to persons of character and position and who do not go there merely for gambling.

## SUPPLEMENTARY GRANTS

**17th. FEBRUARY :—***R. D. Bell*, Home Member, moved for a token grant of Rs. 10 in connection with the hiring of motor transport for Bombay City Police during



the Hindu-Muslim riots last year. The grant was opposed by Mr. *Pestanshah Vakil* (Ahmedabad City), on the ground that the revenues of the Presidency should not be utilised for mishappenings in the city. The grant was made.

Another grant asked for was in respect of the destruction by fire of the house of a police patel in Kanara District. It was stated that the house was set on fire by participators in Civil Disobedience.

#### Financial Statement for 1933-34

**18th. FEBRUARY :—**"In the next year's budget, we have retrenched expenditure to the extent of Rs. 28 lakhs, but we have to provide for increased expenditure to the extent of Rs. 52 lakhs, the chief items of which are Rs. 16 lakhs under debt and pension charges, Rs. 12 lakhs for irrigation in Sind, Rs. 14 lakhs for reduction in the emergency pay cut from ten to five per cent, and Rs. 7 lakhs for primary education and village Panchayats. This in a nutshell is the state of finances of the Bombay Government for 1933-34".

The above observation was made by the *Finance Member*, introducing the Budget estimates for 1933-34 in the Council to-day. He said that expenditure was reduced by Rs. 116 lakhs in the 1932-33 budget, while the revenue deficit budgeted for the current year was Rs. 59 lakhs. The latest estimates showed that there would be betterment in revenue to the extent of Rs. 27 lakhs and reduction in expenditure of 5 lakhs, so that the budgeted deficit of 59 lakhs was expected to be reduced to Rs. 27 lakhs.

The Finance Member reviewing the finances of the Bombay Government said that the most important sources of revenue such as Land Revenue, Excise, Stamps, etc., had lately been shrinking. A comparison of the average receipts from 1921-22 to 1929-30 under these main heads with the figures of the financial years 1930 to 1933 showed that the receipts had decreased to a total extent of over Rs. 4 crores in these three years, which showed clearly that the sources of revenue allotted to the Bombay Government had been dwindling instead of expanding. Another factor contributing to the decline in the income, the Finance Member thought, was the withdrawal of the recurring grants by the Government of India after the Reforms. In twelve years, 1921-22 to 1932-33, excluding the capital expenditure, the development schemes told heavily upon the finances of the Bombay Government costing Rs. 8½ crores.

The Government to-day was faced with a financial position, fundamentally worse than it was at the beginning of the Reforms period to the extent of Rs. 261 lakhs a year owing to factors entirely outside its control. The Finance Member, however, hoped that the finances of the Government would improve during the course of the coming year to such an extent that they need not borrow to cover the deficit. Concluding, the Finance Member required the House and the public for co-operation and said :—"They (the Government) had set themselves to the task of reconstruction and reorganisation so as to secure the greatest efficiency with the least cost in every branch of public administration of the Presidency. This big task will take considerable time for its full effects to be realised. The Government pledge themselves to pursue the policy unrelentingly with the object of securing a budget which would not only balance but provide for gradual development".

#### General Discussion of the Budget

**20th. FEBRUARY :—**The general discussion on the budget of 1933-34 began this afternoon. Mr. *Patel* of the Kaira district, initiating the discussion, said that the services of this country were overpaid. He did not agree with the Government in that the revenue had fallen owing to the prohibition policy adopted at the suggestion of this House. Referring to the acceptance by the Government of the recommendation for a reorganization committee, Mr. *Patel* remarked that the Government were readily to take in those recommendations which went to increase the revenue than those which would help to reduce the cost of the expenditure. He complained that Gujaratis were not given chances in Government service. Mr. *Karbhari* (Thana district) strongly criticised the Government policy in regard to the Back Bay and Sukkur Barrage schemes. Lack of provision for rural development, he said, was the greatest drawback of the Budget. Dr. *Alban D'Souza* (Bombay city) struck an optimistic note and said that he felt signs of definite improvement were present in the Budget as compared with the previous year's. While the cost of administrative charges had been reduced by 38 lakhs, nation-building departments were profitted by 31 lakhs. Mr. *Baloch* (Karachi) appealed

to the Government to cut their coat according to the cloth and demanded a cut in civil servants' salaries.

**21st. FEBRUARY :—**The discussion was continued in the Council to-day. Several non-official members urged further retrenchment in Government departments. Mr. *R. D. Bell*, Home Member, said he was glad to state that the expenditure incurred in the departments under him had not been excessive. He denied the charge that the local Government had not done anything for the benefit of commerce and industry. The Government of Bombay had also incurred heavy liabilities in bettering the conditions of the working classes.

**23rd. FEBRUARY :—**Mr. *C. W. A. Turner*, Chief-Secretary to the Government, referred to the pay allowances enjoyed by the services and said in the first place, as compared with the position a decade ago, there were 94 posts which could formerly be held by members of All-India Services which had either been abolished or no longer reserved for them. Proceeding, he said the House in justice must agree that Englishmen of standard, required for superior posts in Services out in India, could not be expected to work for the same rates of pay as officers of corresponding services in England. If in Bombay, the scales of pay of provincial services were reduced at rates lower than those prevailing in other provinces, Mr. Turner feared Bombay would inevitably suffer in the class of candidates. Mr. *G. K. Winterbotham* (Bombay Chamber of Commerce) congratulated the Finance Member on the small deficit tolls and continuation of electric energy. Replying to the debate, *Sir Ghulam Hussain Hidayatulla*, Finance Member gave an assurance that the deficit as already stated, was really not Rs. 35 lakhs, but only Rs. 16 lakhs. He hoped to wipe off even that budget deficit in the course of the budget year without having recourse to borrowing. The House then adjourned.

#### BOMBAY FINANCE ACT AMEND. BILL

**24th. FEBRUARY :—***Sir Ghulam Hussain Hidayatulla*, Finance Member, moved a Bill to amend the Bombay Finance Act, 1932. The Bill sought to extend the surcharge on consumption of electrical energy and enhanced court fees and stamp fees decided upon last year to a further period of one year. The Bill was passed by 57 to 17 votes.

#### THE BOMBAY TOBACCO BILL

**25th. FEBRUARY :—***Sir Gulam Hussein Hidayatulla*, Finance Member, introduced to-day a Bill for the imposition and levy of fees on the sale of tobacco in the Presidency of Bombay, excluding the City of Bombay. He simply read out the Statement of Objects and Reasons of the Bill. He quoted the Taxation Inquiry Committee's report in support of the fact that the principle had been accepted. He, in conclusion, said that the present financial difficulties of the presidency required the Government to tap this source.

The Government was rudely shaken when Mr. *B. S. Kamat*, nominated member from Poona, sprang a surprise leading the opposition to the Bill. Quoting the statement of the Secretary of State for India in the Commons, Mr. Kamat drove home the fact that the Bombay Presidency had been overtaxed. The present Bill affected poor agriculturists.

This lead was followed by Mr. *Achrekar* who accused the Government of extravagance. There was no justification for additional taxation in these days of depression. The four lakhs which Government hoped to realise through tobacco duty, could be earned by the Treasury Bench and highly paid officials foregoing a portion of their salaries and fat allowances. There would have been no need for additional taxation if the recommendations of the Thomas Committee had been fully carried out.

The European spokesman, *Sir Reginald Spense*, supported the Bill stating that the duty affected only consumers and that too in a very small measure. The Government should be helped to carry on the administration.

The Sind Muslims did not think that the duty touched the pockets of agriculturists.

The Government hoped to finish the first reading of the Bill before the House rose for the day, but Mr. Kamat's lead disturbed them to a certain extent. Hence the discussion could not be brought to a termination to-day. The House adjourned till the **27th. February** when the first reading of the Bill was passed.

Next day, the 28th. FEBRUARY, the *Finance Member* accepted the amendment to restrict the tenure of the Bill to two years instead of making it permanent, as originally intended.

Speaker after speaker from the Non-Brahmin Group, urged that the small tobacco cultivator should be allowed to stock his produce until better prices prevailed. Sometimes he might be able to tide over his difficulties by selling a few maunds in retail. On such occasions, they urged, he must be exempted from the tax.

*Dewan Bahadur Kambli*, Minister, was able to arrange with the Finance Member that all agriculturists, whether small or big, should be free from tax, whether they sold their produce whole-sale or retail.

Non-officials were of the view that the Bill should be restricted only to one year. The Finance Member had refused, yesterday, to accept any suggestion restricting the life of his Bill. Opinion to-day was hardening against the Government on this point. News from Nagpur that the C. P. Council had thrown out an identical Bill for taxing tobacco had its own effect upon the Government. To-day when the House met, the Finance Member informed the House that he would accept an amendment restricting the life of the Bill to two years. These two concessions satisfied the majority of the Non-Brahmins, who pledged in the afternoon their support of the Bill. Amendments aiming at drastic changes in the Bill as to rates, etc., were thrown out to-day, without even a division. The House to-day disposed of a majority of the clauses and then adjourned.

**2nd. MARCH:**—The *Finance Member* moved to-day the third reading of the Tobacco Bill. Mr. A. N. Surve, belonging to the Nationalist Non-Brahmin group, opposed the motion. He appealed to the Government to drop the Bill and avoid fresh taxation, as the Bombay Government would get three to four lakhs as a result of Sir George Schuster's decision to reimpose stamp duty on cheques and share it with Provincial Government. When the Bombay Government were getting this windfall there was no necessity to resort to fresh taxation.

When votes were taken the Tobacco Bill was passed into law by a majority of 57 against 22. All Sind Muslims and Non-Brahmins excepting a few, walked into the Government lobby.

#### THE BOMBAY WHIPPING BILL

The House then resumed discussion on the Whipping Bill. To the surprise of the Government benches, Sind Muslims vehemently opposed the Bill. It was stated by two of their spokesmen, that corporal punishment was no cure for rioting of a communal character, which was only a temporary phase. With the grant of more powers, the public would become more responsible, and there would be no riots. *Rao Bahadur Kale* wanted the application of Section 146, Cr. P. C. to be withdrawn. None of the Non-Brahmins spoke to-day, but all of them were opposed to the Bill.

#### VOTING ON BUDGET GRANTS—EDUCATION DEMAND

**3rd. MARCH:**—Grants to non-Government European secondary schools formed the subject of discussion in the Council to-day.

Mr. R. D. Bell, Home Member who was in charge of European Education moved for a grant of Rs. 4,56,700 for European Secondary Schools in the Presidency.

A non-official moved that it be reduced Rs. 100. In the case of Indian managed private institutions, he observed only 25 per cent of the cost was given as the Government grant, whereas in the case of European managed private schools, the Government granted one-third of the cost. Secondly, while the Government had told Indian private institutions that they should not make any discrimination regarding admissions of boys and girls particularly Untouchables, on penalty of stopping the grants, how did the Government tolerate racial discrimination against Indian boys in European schools? Why did the management of European Schools collect from Indian boys double the fee charged for European boys?

*Sir Reginald Spence*, European Association representative, submitted that many of the members of his community, who had made endowments to European institution in India, had willed that the funds should be utilised for the Education of European children. He, however, welcomed Indian boys to European schools.

Mr. J. B. Petit asked the Government why European Education alone was kept as a "reserved" subject while Indian Education was transferred subject. He regretted that the R. T. C. members at the third session had agreed to the proposal of keeping European Education out of the hands of Popular Ministers. He wanted



equality of treatment in the matter of grants to European and Indian educational institutions, especially as Europeans contributed comparatively very little to provincial finances.

Mr. *R. D. Bell* replying, said that under the devolution rules, European Education had been made a Reserved subject. As for grants, the Home Member quoted the four year's old Simon Commission Report and argued that the other Provincial Governments were spending upon European Education more than the Bombay Government. Regarding admission of Indian boys if European schools should remain European institutions, admission would have to be restricted. Lastly, Indians who had been sending their children to European schools, were very rich persons. The European community in India were after all poor, and the cost of running private institutions was high. When Indians could afford the cost, why as a business proposition, should not European managed institutions collect higher fees in the case of their children? Lastly, Mr. Bell asked if Indian friends could not treat the higher fees as charity to European Institutions.

The mover of the cut withdrew his motion. The grant was voted.

**4th. MARCH :—**In the Council to-day Rao Bahadur *G. V. Pradhan* and Rai Bahadur *R. R. Kale* (Bombay University) advocated abolition of arts colleges like the Elphinstone College, Bombay, as recommended by the Reorganisation Committee. Dr. *Solanki* and *Sir Rafiuddin Ahmed* on the other hand pleaded for maintenance of arts colleges as students from the Muslim community and depressed classes got facilities in Government colleges, which they did not get in private colleges, and that the standard of efficiency in Government colleges was higher than that in private colleges. Discussion on the motion for cut had not concluded when the Council adjourned till the 6th.

**6th. MARCH :—**Mr. *Kambli*, Education Minister, moved to-day for a grant of Rs. 4,88,100 for the Government Arts Colleges.

Mr. *G. V. Pradhan* from Nasik proposed a token "cut" of Rs. 100, stating that the Thomas Committee had recommended the abolition of the Government Arts Colleges, in view of healthy private enterprises. He saw no reason for running in Bombay the Elphinstone College corresponding to the Presidency College of Madras, as there were an adequate number of first-rate private colleges. The Elphinstone College cost the Government roughly a lakh of rupees. That amount could be saved if the college was handed over to private management.

Mr. *S. K. Bole* (nominated Depressed Classes Member), opposing the "cut" said that if Government colleges were abolished, the education of the Depressed Classes and other backward communities would suffer. They would not get any scholarship or jobs in private institutions as Brahmins monopolised all scholarships and posts. He quoted the example of the Ferguson's College, Poona, which he called Brahminical. No "untouchables" were admitted into that college. Even missionary institutions were monopolised by Brahmins.

Several members who spoke opposed the "cut", but deprecated Mr. Bole's remarks, paying a tribute to the Brahmin community as being responsible for the spread of education.

The *Education Minister* opposing the "cut" said that the Thomas Committee were solely guided by the principle of cutting down expenditure. Their recommendations under this head (Arts Colleges) were not entitled to full consideration as the abolition of the Governments Arts Colleges was an unsound proposal. As there were no decent college in Karnatak and Gujarat, the Dharwar and Ahmedabad Colleges could not be abolished. The College at Andheri had a special object. So far as the Elphinstone College was concerned, it also could not be abolished as the Government had been running it all these years. Moreover, private institutions had reached the maximum limit of their strength fixed by the Government. If the Bombay Government College was abolished, education in city would suffer. Government would however abolish the Deccan College, Poona, as there were sufficient number of private institutions there.

The token "cut" when put to vote was lost, and the Minister's demand was granted by the House.

#### MEDICAL (TRANSFERRED) DEMAND

**7th. MARCH :—***Sir Rustam Vakil*, Minister for Self-Government, moved to-day for a grant of Rs. 43,68,000 under Medical (Transferred).

*Dr. M. D. Gilder* moved for a cut of Rs. 600 from the total demand of Rs. 2,60,900 for St. George's Hospital as he thought that the expenditure of the hospital was top-heavy. The mover concurred with the report of the Reorganisation Committee which, in view of the heavy expense in maintaining such a hospital, had suggested that separate wards with a few beds be attached to other hospitals in the city for the use of European patients.

*Mr. J. B. Petit*, supporting the motion for a cut, said that on principle, it was wrong for the Government to undertake the maintenance of a hospital exclusively for a single community.

*Dr. J. B. De Souza*, however, opposed the "cut", as he thought that compared to the total income of the Presidency, the expenditure for maintaining the hospital was not much. He said that patients with European habits were admitted into the hospital, and Indian Christians were also admitted.

*Sir Rafiuddin Ahmed* said that on principle it was very painful to realise that whereas the Chinese, Japanese, Europeans and all others could be admitted into the hospital, Indians who were people of the land, were excluded.

*Major-General Forester*, Surgeon-General, Bombay Government, replying to the criticisms said that there were only two courses open to them, either to reduce the cost or as the Reorganisation Committee report suggested, to close the institution. The closing down of the institution would mean the closing of 120 beds, which were already in use. He thought it wise to reserve a hundred European and Anglo-Indian beds, while the rest should be kept open to all the communities. The speaker also pointed out that every effort was being done to keep down the cost of the hospital.

*Sir Rustom Vakil*, tracing the history of the institution, said that the Hospital came into being when the East Indian Company acquired Bombay, but he did not find any documentary evidence to justify that Hospital being styled a European Hospital exclusively. It had been always open to persons of all communities having European habits, which was the only exception made in this connection.

The mover of the cut being satisfied with the Government reply, withdrew the motion. The Council then adjourned.

**8th. MARCH:**—*Rao Sahab P. D. Kulkarni* said that in spite of the repeated requests and resolutions in the council to give encouragement to Ayurvedic dispensaries, the Government had made no move in the matter.

*Mr. P. N. Vakil* of Ahmedabad outlined the procedure adopted at present for selecting the Surgeon General, and characterised it as a retrograde step.

*Mr. J. B. Petit* asked the Government whether the time had not come to consider the abolition of the post of the surgeon general. He said it was in the nature of a post office between the Government on the one hand, and various medical departments on the other and such abolition would not cause any inconvenience or affect the efficiency of the management. It was also asked if the time had not come to abolish the I. M. S., altogether.

*Sir Rustom Vakil*, replying to the debate, assured the house that instructions would be issued to medical officers to pay particular attention that no hardships were caused to the poor. As regards abolition of I. M. S., and the Surgeon General's post he said that the White Paper would contain various recommendations. Referring to Ayurvedic dispensaries, the speaker said that the Government after careful consideration had decided on establishing scholarships to enable students to receive proper training and that the scheme would have materialised, had it not been for the great financial crisis.

The motion for a cut of Rs. 1,000 moved by *Dr. Gilder* was then put to vote and, pressed to a division, was lost, 45 voting against and 26 for it. The Council then adjourned.

#### PUNITIVE TAX IN KANARA

**9th. MARCH:**—An adjournment motion was sought to be moved by *Mr. Gangooli* to discuss the question of Governments' levying punitive police tax in the Kanara district. The *Home Member* raising a point of order observed that the discussion on this motion should be limited to the question as to who should bear the cost of the police and the Council should not go into details as to the imposition of the punitive force. The *President* concurring with the *Home Member* held that the discussion should be narrowed down to the question of cost only, although the Council had a right to criticise the action of the Government to a certain extent. The motion

was put to vote and declared lost, the requisite number of members not rising in their seats to grant leave for the motion being moved.

#### PUBLIC HEALTH DEMAND

*Sir Rustom Vakil*, Health Minister, then moved for a grant of Rs. 9 lakhs and odd for vaccination, etc., in the Council. *Dr. Collaco* moved a cut that the demand be reduced by Rs. 1,000. The speaker wanted the Surgeon-General's post and the post of Director of Public Health to be amalgamated, as the Director of Public Health could act as Surgeon-General. He emphasised that such posts should not be reserved for I. M. S. officers only, and should be thrown open to distinguished practitioners. *Mr. J. B. Petit* and several others spoke supporting the "cut". The Minister asked the House, as far as such big jobs were concerned, to await the White Paper. He assured them that the Government would consider the suggestions made by the members. The cut was withdrawn.

"That human beings are being treated worse than trees, that human life is not considered worth even one anna and that while people are rapidly falling victims to Malaria, the Government are coolly going on with increasing tea plantations in that district, caring more for forest administration than for the well being of people, was the pitiable story told in the Council in the afternoon by *Mr. G. S. Gangoli* (Kanara), in moving a cut of Rs. 100 from the total grant of Rs. 91,100 asked by the Minister of Health in connection with the anti-malarial measures taken by the Government in the presidency. *Mr. Gangoli* said that 992 persons died in Kanara last year owing to malaria. Nearly a lakh of people were affected by Malaria, but the Government only was spending Rs. 1300 including the pay of the officer who distributes quinine in the district, while Rs. 60,000 were being spent by way of allowances to Government officers there. *Mr. R. B. Ewbank*, General Secretary, replying said that it was impossible owing to financial stringency, to undertake any relief work on a large scale. *Mr. Gangoli*, however, withdrew the motion contending that his main idea was to draw the attention of the Government to the enormous difficulties under which the people of Kanara were labouring, so that the Government may revise its policy to treat people with sympathy.

**10th. MARCH :—**The discussion on the budget grants under the head "Public Health" was continued in the Council to-day. Replying to the debate, *Sir Rustom Vakil*, Minister, said that he had in view a scheme costing ten lakhs to give medical help in the rural areas, but for want of money, it was not possible to put the scheme through. *Rao Saheb Kulkarni* moved a reduction of Rs. 100 in the total grant of Rs. 8,69,300 under "Agricultural Research and propaganda". *Mr. Patel* (Ahmedabad) supporting it said that crores had been spent by the British Government in India but no improvement in produce had been shown. The Council then adjourned till the 13th.

#### AGRICULTURAL DEMAND

**13th. MARCH :—**The mention of an opportunity to discuss the White Paper enlivened the close of a rather dull day's proceedings on the cut motions on Agricultural grants. Owing, however, to the poor attendance in the house the fixings of a particular day for the purpose was postponed. Almost all the cut motion dwelt at length on the Government's utter incompetence to demonstrate that agricultural vocation could be made profitable to students who rather took up service instead of taking up agriculture as a means of livelihood. The movers of the cut motions also said that yearly about thirty lakhs were spent on feeding the so-called highly paid technical experts, and challenged the Government if they could show tangible results after spending such huge sums on agricultural propositions.

The cut motions however were withdrawn finally.

#### INDUSTRIES (TRANSFERRED) DEMAND

**15th. MARCH :—***Sir Gulam Hussain Hidayatullah*, Leader of the House, moved a demand for a grant of Rs. 3,65,200 under the head "Industries—transferred".

*Mr. G. S. Gangoli* (Kanara District) moved a cut of Rs. 100. *Mr. Gangoli* observed that the Industries Department was working satisfactorily and wanted the Government to devote proper attention to its working.



*Mr. Kale*, Leader of the Opposition, supporting the motion, accused the Government of neglect of cottage industries, and earnestly appealed to the Government to chalk out a broad programme which would give the poor ryots subsidiary occupation and income.

*Rai Sahib Kulkarni* opined that the grant of Rs. 3,65,200 was a meagre allotment, whereby no progress could be made. The speaker dwelt at length on the disabilities imposed on persons who used khadi clothes and deplored the attitude of the Government in not encouraging indigenous industries.

*Mr. B. S. Kamat* (nominated non-official) wanted the Government to grant facilities for raising loans to finance industries and urged the sending of students abroad for learning technical education.

*Mr. Advani*, Director of Industries, narrated the steps taken by the department to improve and cheapen the manufacture of the gold thread industry which was principally centred in Surat, and said that they had been endeavouring to help small industries like tanning, weaving and others, wherein experiments were carried. As regards financial help to industries, he submitted a scheme of Government for raising money to assist industries.

*Sir Rafiuddin* felt that the best course of success lay in co-ordination of the efforts of the Government of India and the Provincial Governments.

The President at this stage adjourned the House.

#### THE EXCISE DEMAND

**17th. MARCH :—**The time allotted for the discussion of demands for grants in the Council extended to 5 P. M. when the guillotine was applied. The Government's Excise policy was under consideration when the President rose from his seat and called to order the Excise Minister, who was replying to a heated debate.

All the Non-Brahmins and Muslims walked into the Government Lobby in respect of the Excise grant, contributing to the Government majority of 57 against 23. Ten minutes later the House rose for the day voting all the remaining grants.

The Government secured the House's sanction for all their demands without the reduction of single pie.

The Excise Minister, *Mr S. T. Kambli* moved for a grant of Rs. 49,36,000 under Excise.

*Mr. G. K. Chitale* moving a token cut of Rs. 100, asked whether the opening of more shops was consistent with the Excise policy of the Government.

*Mr. B. S. Kamat*, nominated member, supporting the cut pointed out that the Government were now going back upon the policy of Prohibition, which they had accepted long ago. The Government then issued a resolution that Prohibition within twenty years was their policy. Only seven years more remained for the completion of the period, but instead of advancing to the goal, the Government were going away from it by opening more shops, and tempting the public to resort to liquor-shops. The Government did grave injustice to the House by not referring the matter to the Council before revising their policy.

*Sir Gulam Hussain Hidayatullah*, Finance Member, said that if the number of shops was not allowed to be increased, the trade would become the monopoly of a few people. At a time when money was badly needed, the House should not stand in the way of the Government deriving revenue from the Excise department. While he agreed that Prohibition was a good ideal, he was afraid that no country in the world had achieved it.

Several members supported the cut.

*Mr. Kambli*, Excise Minister, observed that the Government policy was maximum revenue with minimum of consumption. He had been following the policy of opening new shops to prevent illicit distillation and smuggling. The opening of new shop was actually sanctioned by his predecessor.

#### THE KARACHI MUNICIPAL BILL

**20th. MARCH :—**In the Council to-day discussion was continued on the Karachi Municipal Bill. The Sind Muslims stood for separate representation in the Municipal Council and pleaded for sufferage. The bill was ultimately referred to a Select Committee of twenty members.

## THE VILLAGE PANCHAYATS BILL

The Village Panchayats Bill was then taken up and the amendment moved by the Minister Sir Rustom Vakil, empowering the collector to provide for just and proper representation to minorities on the village bench was carried.

Earlier, during question hour, Mr. *R. D. Bell*, Home Member, replying to questions, refuted the allegation made against the police that the later on March 1 and 2 resorted to lathi on pilgrims bound for Haj on board S. S. Akbar. He denied that there was any ill-treatment to pilgrims, or that any of their belongings was thrown into the sea.

**22nd. MARCH :—**After the most dull and uninspiring debate lasting over five hours during which various amendments were moved by officials and non-officials, the Village Panchayats Bill passed its second reading to-day.

Amendments from the popular side invariably foundered on the rock of united official opposition. Amendments to introduce the system in panchayat courts and fix the period of limitation for suits and cases at three years instead of one year as provided in the bill, were lost. A number of official amendments were accepted almost unanimously.

The Council then adjourned till the next day when the White Paper was discussed.

## Debate on the White Paper

**23rd. MARCH :—**In the Council, the motion on the White Paper was talked out to-day. Twenty-five non-official members participated in the discussion, but only two of them welcomed the report. One of them was *Captain Alban De Souza*, Goan Christian representing Bombay City, and the other was *Sir Reginald Spence*, European Association representative. Muslim members opined that the White Paper had not conceded their fourteen points.

*Rao Bahadur R. R. Kale*, Leader of the Opposition, led the attack on the provisions of the White Paper, remarking that one looked in vain in the proposals of the White Paper for anything like responsibility at the Centre and autonomy for the provinces. The scheme, the speaker asserted, fell grievously short of essentials, and naturally failed to satisfy any section of responsible public opinion in the country. The powers to be granted to the Governors and Governor-General, the speaker averred, were extremely retrograde. The speaker deprecated the financial arrangement. He concluded by saying that the safeguards were too many and were not in the interests of India.

*Sir Rafiuddin Ahmed*, ex-Minister, associated himself with the remarks of Mr. Kale and said that, judging from the special powers of the Governors and the Governor-General, one could say that they were not near Dominion Status. He, however, opined that considerable progress was made from the present position, and everything would depend on the personality of the Governor-General and the Governors. If a spirit of give and take existed Sir Rafiuddin opined, much could be done even with the imperfect scheme. He welcomed the vesting of power of protection of minorities in the hands of the Governor-General. He concluded with an assurance that Muslims would work the new Constitution.

*Mr. J. B. Petit* declared that the proposals revealed a total lack of statesmanship and imagination and they were a negation not only of the fundamentals of self-government, but also of the principles laid down by His Majesty's Government and the declarations of Ministers from time to time. The supreme test was the extent of the transfer of power to popular control, and judged by that test, the proposals were very unsatisfactory. The proposals regarding the Secretary of State, Mr. Petit maintained, would perpetuate in the person of the Great Moghul at Whitehall, the most glaring evils of the present system. Under such conditions, Central Responsibility was a sheer mockery. The proposal designed to prevent commercial discrimination, in the opinion of the speaker, would constitute a serious encroachment on the powers of the future Government, and would leave the legislatures with little freedom of action. The proposals instead of bringing peace and contentment to the country, would produce unrest and discord. He concluded with a warning that if the White Paper proposals were inserted in the new constitution, they would produce another Ireland in India.

*Mr. V. N. Jog* said that the conditions declared necessary for the inauguration of the Federation were such that one could not expect the coming of Federation in the near future.

*Mr. Navle*, Deputy President, while maintaining that the White Paper proposals did not come up to expectations, hoped that they would be considerably altered by the Joint Select Committee.

*Moslem Members* generally expressed dissatisfaction at the inadequate representation given to Moslems and the proposals regarding Baluchistan.

*Sir Reginald Spence*, speaking on behalf of the European group, declared that the White Paper was a tremendous advance, and pleaded for the acceptance of the proposals, with a view to getting more.

*Mr. R. P. Bakhle*, speaking on behalf of Labour, said that the White Paper ignored the fundamental rights of Labour, and it was most disappointing as regards the franchise question.

*Dr. Dixit* expressed the opinion that the White Paper was the result of the sufferings and sacrifices of 60,000 prisoners and whatever advance was noticeable was due to the Congress agitation.

*Sir Gulam Hussain Hidayatullah*, winding up the the debate, assured the House that the Government would forward the proceedings of the debate to the proper authorities.

#### THE VILLAGE PANCHAYATS BILL

**24th. MARCH :—**The Council was prorogued to-day, after the passing of the third reading of the Village Panchyats Bill and the first reading of the Whipping Bill.

#### THE WHIPPING BILL

Several members opposed the Whipping Bill as, in their opinion, it would be no proper preventive to communal riots.

*Mr. R. D. Bell*, Home Member, replying to critics, said that despite curfew orders, prohibition of unlawful assemblies and other preventive measures, rioting persisted in Bombay and therefore the only way of meeting such a situation was by passing the measure. He, however, assured the House that the provisions of the Bill would be used with caution and none need be afraid of excessive or oppressive use of the measure.

The Bill was thereupon sent to a select committee to report within two months.

The House was then *prorogued*.

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# THE MADRAS LEGISLATIVE COUNCIL

## LIST OF MEMBERS

President :—The Hon, Mr. B. Ramchandra Reddi

- |                                   |   |
|-----------------------------------|---|
| 1 ABDUL HAMEED KHAN               | 39 KUMARASWAMI REDDIYAR, THE              |
| 2 AHMED MEERAN, MOULVI HAFEEZ     | HON. DIWAN BAHADUR S. ( <i>Minister</i> ) |
| ANUMANTHAKUDI MUSTAFA             | 40 KUPPUSWAMI CHOUDARI, J.                |
| 3 ALAGANNAN CHETTIYAR, RAO        | 41 LAKSHMANA REDDI, G.                    |
| SAHIB A. S.                       | 42 LANGLEY, W. K. M.                      |
| 4 ALAMELUMANGA THAYARAMMA,        | 43 LUKER, F. G.                           |
| MRS. K.                           | 44 MADANAGOPAL NAYUDU, R.                 |
| 5 ANNAMALAI CHETTIYAR, S. A. A.   | 45 MADHUSOODHANAN THANGAL                 |
| 6 ARASU, V. T.                    | 46 MAHARAJA OF VENKATAGIRI (SIR           |
| 7 ARI GOWDER, H. B.               | RAJA VELUGOTI SIR GOVINDA                 |
| 8 BASHEER AHMED SYEED             | KRISHNA YACHANDRULA VARU)                 |
| 9 BASU DEV, C.                    | 47 MAHOOB ALI BAIG                        |
| 10 BAYAPPA REDDI, P.              | 48 MAHMUD SCHAMNAD, KHAN                  |
| 11 BAYABANI, S. M. K.             | BAHADUR                                   |
| 12 BHANOJI RAO, SRI A. V.         | 49 MAHOMED USMAN, THE HON. KHAN           |
| 13 BIRLEY, F.                     | BAHADUR SIR                               |
| 14 CAMPBELL, THE HON. SIR         | 50 MANIKKAVELU NAYAKAR, M. A.             |
| ARCHIBALD                         | 51 MOIDOO, KHAN BAHADUR T. M.             |
| 15 DAVIS, J. A.                   | 52 MOSES, P. C.                           |
| 16 DEVADASAN, M.                  | 53 MUHAMMAD MEERA RAVUTTAR.               |
| 17 DHARMALINGAM PILLAI, RAI       | K. P. V. S.                               |
| SAHIB V.                          | 54 MUNISWAMI NAYUDU, DIWAN                |
| 18 DURAISWAMI REDDIYAR, K. M.     | BAHADUR B.                                |
| 19 ELLAPPA CHETTIYAR, DIWAN       | 55 MUNISWAMI PILLAI, RAO SAHIB V.I.       |
| BAHADUR S.                        | 56 MURUGAPPA CHETTIYAR, DIWAN             |
| 20 FOULKES, R.                    | BAHADUR A. M. M.                          |
| 21 GOPALASWAMI MUDALIYAR, DIWAN   | 57 MUTHIAH CHETTIYAR, M. A.               |
| BAHADUR M.                        | 58 MUTHU CHETTIYAR, RAO BAHADUR           |
| 22 HARISCHANDRUDU, A.             | P. C.                                     |
| 23 HOOD, H. M.                    | 59 NACHIYAPPA GOUNDER, K. A.              |
| 24 INDRAIAH, C.                   | 60 NADIMUTHU PILLAI, A. PL. N. V.         |
| 25 JAGANNADHA RAJU, RAO BAHADUR   | 61 NANJAPPA, SUBADAR-MAJOR S. A.          |
| G. ( <i>Deputy President</i> )    | 62 NARSSA REDDI, T.                       |
| 26 JAGANNATHAM, H. M.             | 63 NARASIMHASWAMI, RAO SAHIB D. V.        |
| 27 JAYARAM NAYUDU, RAO SAHIB C.   | 64 NARAYANAN NAMBIYAR, V. P.              |
| 28 JONES, C. E.                   | 65 NARAYANASWAMI PILLAI, RAO              |
| 29 KESAVA RAMAMURTI NAYDU, K.     | BAHADUR T. M.,                            |
| 30 KHALIF-UL-LAH, KHAN BAHADUR P. | 66 NATESA MUDALIYAR, RAO BAHADUR          |
| 31 KODANDA REDDI, RAI SAHIB C.    | C.  |
| 32 KOTI REDDI, K.                 | 67 PALAT, R. M.                           |
| 33 KRISHNAIAH CHOUDARY, P. V.     | 68 PANNIRSELVAM, RAO BAHADUR A. T.        |
| 34 KRISHNAMURTI, RAO SRHIB D.     | 69 PARTHASARATHI AYYANGAR, C. R.          |
| 35 KRISHNAN, C.                   | 70 PATNAIK MAHASAYO, SRIMAN M. G.         |
| 36 KRISHNAN NAYAR, THE HON.       | 71 PATRO, RAO BAHADUR SIR A. P.           |
| DIWAN BAHADUR SIR M.              | 72 PATTABHIRAMAYYA, K.                    |
| 37 KRISHNASWAMI AYYAR, DEWAN      | 73 PATTAGAR OF PALAYAKOTTAI               |
| BAHADUR SIR ALLADI                | 74 PEDDIRAJU, P.                          |
| 38 KUMARA RAJA OF VENKATAGIRI     | 75 POCKER, B.                             |
| (RAJA VELUGOTI SARVAGNYA          | 76 PREMAYYA, G. R.                        |
| KUMARAKRISHNA YACHENDRULA         | 77 RAJAGOPALA PILLAI, P. V.               |
| VARU)                             |   |

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# THE MADRAS LEGISLATIVE COUNCIL

JANUARY SESSION—MADRAS, 23rd. TO 30th. JANUARY 1933

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scope of the resolution said that the prices of agricultural products especially paddy had gone down very low placing the 'ryots' in a terrible plight. Members of all sections of the House supported the resolution. The *Revenue Member* replying said that the assessment was based on prices of agricultural products and his information was that the prices had not fallen below the standard on which the assessment was based. Government were carefully watching the situation and spending money in providing facilities for cultivation.

#### DT. MUNICIPALITIES ACT. AMEND. BILL

The Council next passed *Mr. Ranganatha Mudaliar's* Bill amending the District Municipalities Act and providing for the appointment of Executive Officers to the Municipalities in the Presidency. As a compromise it was agreed to restrict the appointment of Commissioners to ten Municipalities on the basis of Rs. 3 lakhs of income instead of 2 lakhs and a clause was added providing that Government shall appoint commissioners for other Municipalities by notification specifying reasons thereof.

#### CITY MUNICIPAL ACT AMEND. BILL

Before this Bill was taken up the Council permitted *Mr. Swami Venkatachalam* to introduce a Bill amending the City Municipal Act by removing disqualification of a political conviction for Councillorship.

#### GAMING ACT & CITY POLICE ACT AMEND. BILLS

**25th. JANUARY :—**To-day's sitting of the Council was mostly devoted to official business. *Bills amending the Madras Gaming Act 1930, and Madras City Police Act, 1888,* were passed into law as moved by the *Home Member*. Both will have the same scope, the former applying to the mofussil and the latter to the Madras City, enabling a police officer, not below the rank of a Deputy Superintendent in the mofussil and the Police Commissioner in Madras City, themselves to conduct a search instead of issuing warrant on any premises believed to be a gaming house.

The third Bill passed to-day related to the Madras City Police, which provided a fine of Rs. 50 for any one who gave a false alarm of fire.

#### MADRAS COURT OF WARDS ACT AMEND. BILL

The fourth Bill moved by the *Revenue Member* for amending the Madras Court of Wards Act of 1902 was referred to a Select Committee.

#### SUPPLEMENTARY GRANTS

The demands for supplementary grants were then taken when the House voted Rs. 3,33,400 providing grants for buildings and equipment to educational institutions under local bodies and private managements.

#### SUPPRESSION OF MADURA MUNICIPALITY

The proceedings took a lively turn when *Mr. Venkatarama Iyer's* adjournment motion regarding the redistribution of Wards in the Madura Municipality which had been superseded by Government owing to maladministration was discussed in the afternoon. Some opposition members, besides making strong criticism of the ministerial policy, were inclined to indulge in personal references which provoked a keen opposition from the Ministerialists, necessitating the President's intervention.

The Hon'ble the *Rajah of Bobbili*, Chief Minister, pointed out that there was no urgency for an adjournment motion, as Government were convinced that the matter was sufficiently important for re-investigation. He added that re-classification was made in electoral rolls in order to remove certain monopolies. The motion was defeated by 55 votes to 23.

#### DT. MUNICIPALITIES ACT AMEND. BILL

**26th. JANUARY :—**The proceedings of the Council were rudely disturbed to-day at 1 P.M., just before the house was about to rise for lunch, when amidst cries of revolutionary slogans several lighted crackers were thrown down from the visitors' gallery. Confusion prevailed for sometime. Seven persons from the visitors' gallery were taken to custody.

The Council was engaged in discussing the Bill further to amend the Madras District Municipalities Act when the incident happened. The members were ana-



turally shocked at this interruption and it took sometime to be realised that there was nothing more behind the affair than simple crackers.

#### POLITICAL PRISONERS IN CANNANORE JAIL

**30th. JANUARY :—**Mr. *V. P. Narayan Nambiar* asked for leave to move an adjournment motion to discuss the situation arising out of the treatment meted out to political prisoners in the Cannanore Central Jail.

The *President* said that Mr. Nambiar had an opportunity in the Council on January 23 to move the adjournment motion but he did not avail of it as he said he was satisfied with the answer given by the Law Member. The President, therefore, disallowed the motion.

#### MADRAS ESTATES LAND ACT AMEND. BILL

The *Revenue Member* then presented the report of the Select Committee on the Bill to further amend the Madras Estates Land Act of 1930 which was widely believed to be detrimental to the interests of Zemindari ryots. The Revenue Member after appealing to the House to accept the Bill however stated that representations had been made that it was the general desire of the House to postpone discussion of the measure. So he would not proceed with the next motion that the Bill be taken into consideration.

After all the business on the agenda was over, the President announced that the Council would rise to-day and meet again on February 24 next.

### BUDGET SESSION—MADRAS 24th. FEBRUARY TO 25th. MARCH 1933

#### ASSESSMENT OF RYOTWARI LANDS

**24th. FEBRUARY :—**The Budget session of the Council, after a recess of three weeks, commenced to-day. After question time, *Swami Venkat'achalam Chetty* moved that the business of the House be adjourned to discuss the reasons, advanced in a Press Communique issued by Government, refusing to accept the resolution of the Council urging twelve and a half per cent remission in land revenue assesment in ryotwari areas during the current fasli.

The *President* disallowed the motion on the ground that the subject was discussed in the council during the last session, and the House would have the opportunity of discussing the same during the budget discussions.

#### COLLECTION OF SUSPENDED KISTS

For the same reason the *President* did not grant leave to Mr. *Gopalaswami Mudaliar* to move an adjournment motion to discuss collection of suspended 'kists' of previous famine years along with 'takavi' loan in the Bellary district, which policy, he maintained, was not in accordance with the terms of Communique referred to regarding non-acceptance of the Council resolution about remission of land tax on 'ryotwari' lands.

#### MADRAS COMMERCIAL CROPS MARKETS BILL

The Council passed the Madras Commercial Crops Markets Bill, which sought to regulate markets for commercial crops especially cotton.

#### MADRAS COURT OF WARDS ACT AMEND. BILL

The Council also passed the *Bill to further amend the Madras Court of Wards Act.*

### Financial Statement for 1933-34

**25th. FEBRUARY :—**After question hour, which was dull, the Hon'ble Mr. *H. G. Stokes*, Finance Member, presented the Budget estimates for 1933-34 in the Council to-day. He said that in the Budget estimates for 1932-33 Government anticipated a balanced budget, revenue and expenditure figures being alike estimated at 1593,61 lakhs of rupees. The revised estimates for the year fixes the revenue at

1688,79 lakhs and expenditure at 1626,02 lakhs, giving a revenue surplus of 62,72 lakhs. In other words the results had been very much better than anticipated in the beginning of the year.

The Finance Member said that "as a nett result of the year's administration it is expected that we shall close the year 1932-33 with a provincial balance of Rs 293,44 lakhs, as compared with the budget estimate of Rs 130,37 lakhs. The increase is due partly to betterment in our position in 1931-32, which continued to be manifest in 1932-33, and partly to the excess in receipts and capital section, from which Rs. 40 lakhs not required for expenditure in that section has been passed in provincial balances."

Coming to the year 1933-34 the Finance Member said that revenue estimate showed betterment of Rs 128,07 lakhs, the figure being 1721,68 lakhs as against 1593,61 lakhs. The corresponding figures compared with the revised estimate for 1932-33 were revenue plus 32,82 lakhs and expenditure plus 20,24 lakhs. The result was that they expected to have available during 1933-34 a sum of Rs 75,42 lakhs for expansion of outlay.

Referring to the revenue closing balance in the year 1933-34, the Finance Member said that after transferring for capital expenditure Rs 26,36 lakhs the balance was expected to stand at 271 lakhs.

Referring to remission of land revenue, the Finance Member explained the position pointed out that if the Council resolution was to be given effect to, Government would not be able to extend three-fourths of a crore a year for meeting demands for increased expenditure and for financial aid that were daily pressed upon them from every side. He added that Government had been watching the position with full attention. The existing system of land revenue administration was sufficiently flexible to enable Government, should occasion require, to take such steps as they might be convinced were necessary without adopting the expedient which was now pressed upon them.

#### GENERAL DISCUSSION OF BUDGET

**27th. & 28th. FEBRUARY :—**The House held a general discussion of the Budget on these two days. The trend of the debate was confined to criticism on non-remission of land revenue, restoration of salary cuts in full, under-estimation of revenue, over estimation of expenditure, continuation of the high rates of taxation, the excise policy of the Government, etc. Non-official members throughout insisted on land revenue remission. *Dr. C. Natesan Mudaliar*, finding fault with the Government for rejection of the council's resolution for reduction of assessment, said that the surplus provided for in the budget showed that either they were curtailing nation-building activities or overtaxing people neither of which was conducive to public good. He advised the Government not to kill the goose which was giving them golden eggs, but rear it up carefully so that it could continue to give them more money in future.

*Mr. W. K. M. Langley*, (European Planters' representative), strongly pleaded for relief to agriculturists. He characterised the restoration of salary cuts as premature. The speaker complained tax on rubber plantation much more heavier in this province than anywhere else in the world.

*Mr. Yakub Hasan* could not congratulate the Government on the increase in excise revenue as he wanted drinking to be discouraged.

#### REVISED SCALES OF PAY

**11th. MARCH :—**When the Council resumed its sitting this morning with thinned galleries, the *Finance Member* moved for consideration of the revised scales of pay for the future entrants in respect of provincial and subordinate services. He said that the present proposals for revision of pay of services were the outcome of the Retrenchment Committee's recommendations, and that the total savings on account of introduction of the revised scales would be 55 to 60 lakhs per annum. He added that the savings would be only realised gradually over a period of years and the full effect would not be obtained before 25 or 30 years.

Non-official amendments on Government proposals were then moved.

Several amendments were moved suggesting the reduction of salary only in higher grades leaving low paid clerks and members of subordinate service of police and menials who should not be affected instead of uniform reduction in the scale of pay. *Sir A. B. Patro* pointed out that it would be unfair to fix the salary of the future entrants on a reduced scale on the ground if prices had fallen to-day, they might increase to-morrow and create discontent among services.

*Dr. Subbaroyan* deprecated the reduction proposals in educational and judicial departments. The Finance Member having replied, all amendments were withdrawn and the motion for consideration of revised scales of pay for services was passed.

#### VOTING ON BUDGET GRANTS—LAND REVENUE DEMAND

**13th. MARCH :—**Voting on demands for grants having been taken up to-day, the *Revenue Member* moved for a grant of Rs. 18,25,600, under Land Revenue. Moving a token cut in the allotment for taluk establishments, the member from Coimbatore urged the need for reduction in land tax and water cess. Several members followed suit criticising Government's land revenue policy, and stressing the need for remission of land revenue.

The Revenue Member, replying, said that the Government had proposed to suspend in the last kist two annas in a rupee on ryotwari assessment proper due on lands held on ryotwari patta. The districts affected by this order were Vizagapatam, East Godaveri, West Godaveri, Kistna, Bellary, South Arcot, Tiruvannamalai and Chengam Taluks of North Arcot, Madura and portions of Malabar (about half the district) in which resettlement had been or was being introduced and Gudalur Taluk of Nilgiris. "As the last kist is paid in March in some districts and some persons may have paid fully the kist due this month, orders will be issued that any sum, collection of which has been suspended, will be refunded on application."

He continued that the total amount of revenue, which had been suspended under these proposals, was estimated at Rs. 31 lakhs. Government had given the matter very careful consideration, and were endeavouring to assist the agriculturists so far as it lay in their power, and while safeguarding the revenues of the province were prepared to adopt a sympathetic attitude towards the ryots in the present unfortunate conditions.

The token cut in Revenue grant was carried by 71 against 20 votes.

#### THE EXCISE DEMAND

When the grant for Excise Department was taken up, *Mr. Yakub Hassan* and several members expressed disapproval of the Government's excise policy by means of a token cut. *Mr. Sreenivasan*, Depressed class leader, said that labourers, mostly of his community, were worst victims of drink indirectly contributing to a large share of the Excise revenue. He urged if real prohibition be accomplished a portion of the excise revenue should be set apart for their education, so that they might become sober and give up drink.

The *Minister*, replying, reiterated that total prohibition was the ultimate goal of the Government policy. Cuts being turned down, the excise demand was fully voted.

#### DEMAND UNDER STAMP

**14th. MARCH :—**The necessity for reducing the stamp duty, both judicial and non-judicial, was urged by a token cut in the allotment for stamps (reserved).

The *Law Member* said that it was impossible to reduce the stamp duty as it would make a deficit budget next year.

The House voted the demand without a cut.

#### REGISTRATION DEMAND

**15th. MARCH :—**The demand for registration (transferred) was taken up to-day. Several members criticised Government's registration policy.

A member from Nilgiris asked for fifty per cent reduction in registration fees, while a Muslim member from the city complained that adequate representation was not given to Moslems in the department. A member from South Canara wanted an institution to be opened for training of people as document writers.

Several members, particularly from the opposition, paid high tributes to the present Inspector General of Registration, who, they said, was trying to efface corruption in the department.

#### EXECUTIVE COUNCIL DEMAND

The *Home Member* then moved the demand for grant of Rs. 2,98,900 under heads of Provinces and Executive Council reserved.

*Dr. Subbaroyan*, leader of the Opposition, asked if the Government proposed to allot a day for discussion of the White Paper as otherwise it was no use proceeding with this demand now, since several cut motions have been tabled to discuss the future constitution.



*Sir Mahomed Usman*, leader of the House, said that he could not definitely say if any day will be allotted for the purpose but added that he would consider if a day could be allotted. At this stage *Dr. Subbaroyan* suggested the House be adjourned till the next day. Accordingly, the President adjourned the House.

**17th. MARCH :—**The Council voted to-day the entire demand under heads Provinces and Executive Council (reserved) without any cut. During the discussion of the demand, members refrained from discussing the question of the future constitution for which several cut motions had been tabled, in view of the statement of the leader of the House that 23rd had been fixed for discussion of the White Paper. Opposition members raised the question of delimitation of constituencies for Councils and the Assembly and complained that no member of the opposition was included in the Provincial Franchise Committee. *Dr. Subbaroyan*, leader of the opposition and *Swami Venkatachalam* said that before coming to a decision with regard to the question of single or plural constituencies, Government should consult leaders of various parties in the House. The *Revenue Member* said that the suggestions will be considered when the White Paper was received. The whole demand was adopted without cut.

#### LEGISLATIVE DEMAND

The *Home Member* then moved for grant of Rs. 976,700 under head legislative bodies. A token cut was moved and most of the members urged for increase in the allowance to members of the Council and for giving facilities and larger accommodation to the press in the Council which, as one member put it, was the connecting link between the public and the Council. *Swami Venkatachalam*, speaking on the motion, said that there was a justifiable complaint that the members were inaudible to the press reporters. He appealed to the members to speak in such manner so that reporters could hear and report correctly.

Replying the *Home Member* stated that it would not be possible to restore the cut in the allowances of the members as there would be an impression that the Government were placating members, and as such it would not be in public interest.

The cut motion was pressed to a division and lost. The grant was carried.

#### SECRETARIAT DEMAND

The *Revenue Member* moved for grant of Rs. 2,27,000 under the secretariat and headquarters establishment. A cut motion was moved to discuss the unfairness of Government orders requiring stenographers to pass periodical examination in shorthand.

The House was discussing the token cut when the Council rose for the day.

#### REDUCTION OF MINISTERS' SALARIES

**18th. MARCH :—**"When members who wanted to shoulder responsibility entered the Councils they were under an obligation to work the reforms. It is not the duty of the Ministers to fight with the reserved half."—This was the point made by the Chief Minister, the *Raja of Bobbili* in course of a reply he made on the cut motion on Ministers' salaries in the Council to-day. This was provoked by the criticism of *Maulana Yakub Hasan* who expressed that because the Swarajists did not accept office, men of no experience and significance accepted the ministry. The *Raja Sahib* added that Mahatma Gandhi was the wisest judge of human character when he decided that Congress should not accept office, and those who did not believe in the present form of government must not enter the Council to create a deadlock.

The cut motion was lost and the House passed the demand for Rs. 4,37,200.

#### OTHER DEMANDS VOTED

The Council also sanctioned Rs 88,71,600 under head Administration of Justice.

#### EUROPEAN EDUCATION & MEDICAL DEMAND

**22nd. MARCH :—**The Council voted to-day the entire demands for Rs. 7,26,200 for European education and Rs. 81,04,400 for medical administration (transferred).

During discussion on the latter demand several members expressed the desirability of appointing Honorary Medical Officers in headquarters hospitals as means of saving expenditure. Another member urged the necessity of recruiting Indian girls as nurses in larger numbers.

The Chief Minister made a sympathetic reply.

### Debate on the White Paper

**23rd. MARCH :—**On the motion of *Sir Archibald Campbell*, Revenue Member, the Council to-day took up for consideration the proposals contained in the White Paper issued by His Majesty's Government. He said that the Ministers were at liberty to vote on the motion as they liked.

*Dr. Subbaroyan* moved the following amendment to the motion :—

"On much consideration this Council is of opinion that the proposals in the White Paper are not satisfactory and the following alteration should at least be made in the Bill to be placed before Parliament. "The Army Member should be chosen from among the members of the Central Legislature. The power of the Governor-General to promulgate Ordinances and Acts will be confined to grave emergency or break-down of the Constitution and apart from his powers in regard to the reserved subjects and special responsibilities, will be subject to revision by the legislature. The Governor-General's power of certification of the items of the budget disallowed by the legislature will be limited to the needs of the reserved subjects and special responsibilities".

In moving his amendment *Dr. Subbaroyan* said that the safeguards went even further than that demanded by the situation. Provincial Autonomy without central responsibility would be a truncated form of Dyarchy. They should introduce central responsibility in British India leaving the doors open to the Princes to come into Federation when they liked. It went further than the Simon Commission in some respects. The Simon Commission did not provide for what was called the Governor's vote. The White Paper would not confer any real responsibility on the Minister. There should be no power vested in the Governor. An autonomous Government should have power to recruit the services. No fetters should be placed upon the future central Government with regard to management. The management of Railways, according to the White Paper, would be worse than what was obtained in the present constitution.

Several other speakers followed who also expressed dissatisfaction.

*Mr. Yakub Hassan* moved an amendment that the post of the Secretary of State and the India Council should be abolished. Competency of Indian Legislature, to amend the Constitution Act in all but those parts which involved imperial interests or affected fundamental or other specified rights should be provided for in the Constitution Act and the Services should be transferred to the Central Government. Special responsibility should be for the single purpose of safeguarding the interest of the minorities. Ordinances should be capable of being revised. The Governor-General's power of obtaining supply without the assent of the legislature should be confined to the requirements of the reserved subjects.

After discussion lasting the whole day the House passed *Dr. Subbaroyan's* resolution to amend the Revenue Member's motion on the White Paper without division.

*Mr. Yakub Hassan* who seconded *Dr. Subbaroyan's* amendment suggested addition of certain provisions which, however, he did not press. He complained that the ideal of Dominion Status had become mere chimera.

*Sir A. P. Patro* said that the resolution did not amount to rejection of the White Paper but simply desired certain alterations. Further amendments proposed by *Mr. Abdul Hamid Khan*, *Mr. R. Srinivasan*, *Mr. M. S. Sreshta* relating to claim of Muslims and depressed classes and Christians respectively were carried and the main resolution as amended was declared carried,

### DT. MUNICIPALITIES & LOCAL BOARD'S ACT AMEND. BILL

**24th. MARCH :—**The Council this afternoon passed bills further to amend the *District Municipalities and Local Boards Acts of 1920*. These empower the Government to appoint and control municipal health officers, engineers and district board engineers, health officers, respectively, so that incumbents may devote the whole time to the performances of duties unhampered by influence of local politics,

### TIRUMALAI & TIRUPATTI DEVASTHANAM BILL

The Council then took up the Tirumalai and Tirupatti Devasthanam Bill which was returned by the Governor with amendments that the local Hindu religious endowments board and the collector of Chittoor should have power to appoint members for the committee for better administration of 'devasthanam' as considered. Non-Offi-

cial members complained that the Governor's amendments were calculated to vest all powers of nomination in the hands of Governor and that therefore it would not be acceptable to the House. They also said that worshippers should have a voice in the nomination of members to the committee.

Various non-official amendments were moved which sought to vest powers of nomination in the committee composed among others of few Hindu judges of the High Court and one District Judge.

This was not acceptable to the Chief Minister.

The leader of the opposition then suggested a compromise vesting the power of nomination of all members in the Government itself, as he thought it was always a sound proposition to fix responsibility on one authority.

The Minister had no objection, and accordingly the amendment seeking to vest in the hands of the Government the appointment of all seven members of the committee of whom the mahant, if willing to serve, will be one, was carried.

The bill was passed into law. The Council then adjourned.

#### AGRICULTURAL DEMAND

**25th. MARCH:**—The Council took up to-day the discussion of the demands for grants under Agriculture, Co-operative and so on.

After the Council had disposed of the business, it was prorogued by the Governor.

#### THE GOVERNOR'S SPEECH

In his speech, His Excellency explained and justified the land revenue policy of the Government. Proceeding, he referred to the criticisms made on the White Paper proposals and stated that on the two questions on which emphasis had been laid—namely, the date when federation would be established and safeguards—the suspicions of the criticisms were baseless. His Majesty's Government's bonafides in regard to the establishment of a federation were unquestionable, while, as for safeguards he asked them to judge them in the light of the experience of Madras where in the last twelve years reserve powers had been used only on eight occasions.

His Excellency concluded by announcing that on the question of the term of the Council his conclusion was that it was advisable to prolong the life of the Council, though for how long he was not at that moment prepared to say.

The Council was then *prorogued*.

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# THE PUNJAB LEGISLATIVE COUNCIL

## LIST OF MEMBERS

- |  |   |
|--|---|
| 1 THE HON'BLE CHAUDHRI SIR SHAHAB-UD-DIN ( <i>President</i> )              | 40 CHHOTU RAM, RAO BAHADUR CHAUDHRI                 |
| 2 THE HON'BLE CAPTAIN SARDAR SIR SIKANDER HYAT KHAN ( <i>Rev. Member</i> ) | 41 CHOWDHRY, MR. SAJAN KUMAR                        |
| 3 THE HON'BLE SIR HENRY CRAIK, BART ( <i>Finance Member</i> )              | 42 DIN MUHAMMAD, KHAN BAHADUR SHAIKH                |
| 4 THE HON'BLE SARDAR SIR JOGENDRA SINGH ( <i>Minister</i> )                | 43 FAQIR HUSAIN KHAN, CHAUDHRI                      |
| 5 THE HON'BLE ALIK SIR FIROZ KHAN NOON ( <i>Minister</i> )                 | 44 FAZL ALI, KHAN BAHADUR NAWAB CHAUDHRI            |
| 6 THE HON'BLE DR. GOKUL CHAND NARANG ( <i>Minister</i> )                   | 45 GOPAL DAS, LALA                                  |
| 7 BOURNE, MR. F. C.  | 46 GURBACHAN SINGH, SARDAR                          |
| 8 BOYD, MR. D. J.  | 47 HABIB ULLAH, KHAN BAHADUR, SARDAR                |
| 9 CALVERT, MR. H.  | 48 HAIBAT KHAN DAHA, KHAN                           |
| 10 GARBERT, MR. C. C.  | 49 IMAM-UD-DIN, MAULVI                              |
| 11 HADOW, MR. R. P.  | 50 JAGDEV KHAN KHARAL, RAI                          |
| 12 HEARN, MR. J. W.  | 51 JASWANT SINGH, GURU                              |
| 13 MARSDEN, MR. P.   | 52 JAWAHAR SINGH DHILLON, SARDAR,                   |
| 14 MUZAFFAR KHAN, KHAN BAHADUR NAWAB                                       | 53 JYOTI PRASAD, LALA                               |
| 15 PUCKLE, MR. F. H.   | 54 KESAR SINGH, RAI SAHIB CHAUDHRI                  |
| 16 RAHMAN, DR. K. B.,  | 55 LABH SINGH, Mr. M. A.                            |
| 17 SALE, MR. S. L.   | 56 MALAK, MR. MUHAMMAD DIN                          |
| 18 SANDERSON, MR. R.   | 57 MAMRAJ SINGH CHOCHAN, KANWAR                     |
| 19 GHANI, MR. M. A.  | 58 MANOHAR LAL, MR. M. A.                           |
| 20 JANMEJA SINGH, CAPTAIN, SARDAR BAHADUR SARDAR                           | 59 MR. TAK CHAND                                    |
| 21 LABH CHAND MEHRA, LALA  | 60 MOHAN SINGH, SARDAR BAHADUR SARDAR               |
| 22 MAYA DAS, MR. ERNEST  | 61 MOHINDAR SINGH, SARDAR                           |
| 23 MUSHTAQ AHMAD, KHAN BAHADUR, MIAN                                       | 62 MUBARAK ALI SHAH, SAYAD                          |
| 24 RAHIM BAKHSH, MAULVI, SIR,  | 63 MUHAMMAD ABDUL RAHMAN KHAN, CHAUDHRI             |
| 25 ROBERTS, MR. OWEN   | 64 MUHAMMAD AMIN KHAN, KHAN BAHADUR, MALIK          |
| 26 SHAVE, DR. (MR.) M. C.  | 65 MUHAMMAD EUSOOF, KHWAJA                          |
| 27 SHEO NARAIN SINGH, SARDAR BAHADUR SARDAR                                | 66 MUHAMMAD HAYAT. QURESHI, KHAN BAHADUR, MIAN      |
| 28 ABDUL GHANI, SHAIKH   | 67 MUHAMMAD HASAN, KHAN SAHIB, MAKHDUM, SHAIKH      |
| 29 AHMAD YAR KHAN, DAULTANA, KHAN BAHADUR MIAN                             | 68 MUHAMMAD JAMAL KHAN LEGHARI, KHAN BAHADUR, NAWAB |
| 30 AKBAR ALI, PIR  | 69 MUHAMMAD RAZA SHAH GILANI, MAKHDUMZADA, SAYAD    |
| 31 ALLAH DAD KHAN, CHAUDHRI,   | 70 MUHAMMAD SADIQ, SHAIKH                           |
| 32 ARJAN SINGH, SARDAR   | 71 MUHAMMAD SARFARAZ ALI KHAN, RAJA                 |
| 33 BAHADUR KHAN, SARDAR  | 72 MUHAMMAD YASIN KHAN, CHAUDHRI                    |
| 34 BALBIR SINGH, RAO BAHADUR CAPTAIN, RAO                                  | 73 MUKAND LAL PURI, MR. M. A.                       |
| 35 BANSI LAL, CHAUDHRI   | 74 MUKERJI, RAI BAHADUR MR. P.                      |
| 36 BHAGAT RAM, LALA  | 75 MUZAFFAR KHAN, KHAN BAHADUR CAPTAIN MALIK        |
| 37 BISHAN SINGH, SARDAR  | 76 NARENDRA NATH, DIWAN BAHADUR, RAJA               |
| 38 BUTA SINGH, SARDAR  |   |
| 39 CHETAN ANAND, LALA  |   |

77 NATHWA SINGH, CHAUDHRI	86 RAMJI DAS, LALA
78 NAZIR HUSAIN, CHAUDHRI	87 RAM SARUP, CHAUDHRI
79 NIHAL CHAND AGGARWAL, LALA	88 RAM SINGH, 2nd.-LIEUT. SARDAR
80 NOOR AHMAD KHAN, KHAN SAHIB MIAN	89 RIASAT ALI, CHAUDHRI
81 NUR KHAN, KHAN SAHIB, RISALDAR BAHADUR	90 SAMPURAN SINGH, SARDAR
82 NURULLAH, MIAN, B.	91 SEWAK RAM, RAI BAHADUR, LALA
83 PANCHAM CHAND, THAKUR	92 SHAH MUHAMMAD, CHAUDHRI
84 PANDIT, MR. NANAK CHAND	93 UJJAL SINGH, SARDAR SAHIB, SARDAR
85 RAGHBIR SINGH, HONORARY LIEUTENANT SARDAR	94 ZAFRULLA KHAN, CHAUDHRI

## THE PUNJAB LEGISLATIVE COUNCIL

BUDGET SESSION—LAHORE, 25th. FEBRUARY TO 11th. APRIL 1933

### Financial Statement for 1933-34

The Punjab Legislative Council commenced its Budget Session at Lahore on the 25th. February 1933 when the hon. *Sir Henry Craik*, Finance Member, presented the Budget for 1933-34. The total amount of revenue budgetted for is Rs 10.54 lakhs or Rs. 45 lakhs better than the revised estimate for the current year. This is made up of Rs. 4.57 lakhs under land revenue including Rs. 1.78 to be credited to irrigation ; Rs. 4.22½ lakhs direct receipts from irrigation, Rs 2.24½ lakhs excise and stamps.

In his budget speech, the Finance Member said that the budgetted revenue may be criticised as optimistic but it is exactly midway between the actuals of the Punjab's most prosperous year, namely 1925-26, and the worst in the last decade, namely, 1931-32.

On the expenditure side, the estimated expenditure to be met from revenue is Rs. 10.11 lakhs being an excess of Rs. 26½ lakhs over the revised estimate for the year now ending. Of this excess, Rs. 22½ lakhs represent the restored pay cut and annual increments.

Provision has been made on a considerable scale for the preparation of new electoral rolls in connection with the forthcoming reforms, but no provision has been made for the actual holding of the first general election as (in the words of the Finance Member), 'it is doubtful whether that will fall within the year.' Rupees 1.13 lakhs is earmarked under capital account, more than half of which is required to finish the hydro-electric scheme and Rs. 43 lakhs is still due for work already completed.

The Finance Member announced that the local Government had decided to follow the Government of India and the majority of local Governments in respect of the pay cut and apply five per cent. cut to all the provincial and subordinate services to which the ten per cent. cut at present applied, accompanied by the withdrawal of exemption from the surcharge on income-tax and super-tax as hitherto.

The revenue account of the year ending March, 1933 is expected to close with a balance of Rs. 25 lakhs and taking all accounts together, the year is expected to close with a balance of Rs. 53½ lakhs.

The Finance Member referred to the hydro-electric project and said that the total expenditure on this project up to the end of the year was Rs. 5¼ crores, Rs. 69 lakhs having been provided in this connection in the coming year's budget. As regards retrenchment, Sir Henry said that 65 per cent of the retrenchments proposed by the Retrenchment Committee were given effect to including Rs. 160 lakhs on revenue account alone.

As for the future, he appealed for efforts to produce a position of stability which was essential before the introduction of the reforms in order to give the new administration a fair chance.

The Finance Member dealt with the financial position of the two projects to which during the last decade the greater part of the Punjab's capital expenditure was devoted. The construction estimate for the whole of the Sutlej Valley Project will close on March 31, 1933, and the total provincial share of the capital expenditure is estimated to be 940½ lakhs as against the project figure of Rs. 987 lakhs, representing a saving of Rs. 40½ lakhs. This project is expected to produce in the current year nearly Rs. 36 lakhs revenue, a figure which would have been higher if the sowing of cotton and other valuable *kharif* crops had not been curtailed owing to the low supply of the river at the time of sowing. At the same time the working expenses were substantially reduced.

As regards the Hydro-Electric Project, the construction of this is now practically complete including the trunk transmission line from Lahore to Ferozepore and Lyallpur. This trunk transmission system has been recently tested and branch lines are about to be tested. The regular supply of energy should be available by April 1 next. The opening ceremony will be performed by H. E. the Viceroy at Lahore Receiving Station at Shalamar on March 10. The expenditure on the construction of the project up to the end of the current year is estimated at Rs. 5¼ crores and for the next year Rs. 43 lakhs will be provided for the main scheme and Rs. 25½ lakhs for the completion of various local distribution systems.

#### ATTITUDE OF HINDU ELECTED MEMBERS

Except two or three, none of the Hindu elected members who walked out in the last session of the Council in connection with the Communal Award attended today, but such of them as attended left the chamber after the question-hour. The Council then adjourned till the 27th.

#### WILD BIRDS AND ANIMALS PROTECTION BILL

**27th. FEBRUARY :—**To-day's agenda of the Council included taking into consideration of the Punjab Wild Birds and Wild Animals Protection Bill which sought to preserve from extinction certain species of wild fowl and animals at the hands of unscrupulous snarers and shikaries.

*Sir Sikandar Hayat Khan* moving the Wild Birds and Animals Protection Bill gave a history of the measure and said it was necessary to enact law in order to save indigenous birds of the province from extermination by introducing a system of licenses for snarers, netters and hunters for the whole of the year in respect of certain species and part of the year in respect of others. He instanced the case of last year in which an advertisement emanating from a neighbouring State had called for 10,000 partridges and since all the Native State preserves were well protected, the requisite number of birds were apparently supplied from the Punjab.

*Chaudhri Allah Dadkhan* moved for the circulation of the bill and was supported by Mr. *Mahammad Din Malak* who maintained that there were large sections of population who were entirely dependent for their livelihood on catching and killing birds and animals and if their sole livelihood was removed, they would swell the ranks of dacoits and robbers. He described the Bill as politically, morally, socially, thoroughly bad (Laughter) and urged that it should not be rushed through.

The motion for circulation was pressed to a division and lost. The Bill was then considered clause by clause, after which the House passed the Bill.

#### GENERAL DISCUSSION OF BUDGET

**28th. FEBRUARY ;—**The general discussion on the Budget was taken up to-day in the Council. Mr. *Owen Roberts* congratulated the Government on having shown considerable economies in the expenditure side, but said that until there were proper railway freights the province would not enjoy any real relief. Improvement of revenue depended on lower rates, and he quoted authorities to show that it was possible to give the Punjab relief in the adjustment of freight, without loss to the State. As a remedy, he suggested a system of provincial railway commissions, such as those functioning in European countries and America, with powers to adjudicate complaints by the public and pass mandatory orders to railways whenever they found a real hardship existed.

*Choudhury Alladad Khan* (Ambala Urban) said that the Government could not be congratulated, although they had shown a surplus on paper because firstly revenue had been estimated at too optimistic a figure, and, secondly, expenditure ins-



*Sir Feroze Khan Noon* stated that despite the financial stringency, 25 lakhs had been provided in the budget for education.

*Sir Henry Craik*, Finance Member, said that very few provinces in India, indeed very few countries in the whole world, were able to boast of a balanced budget. He said that the criticism that the Government ignored the prevailing economic conditions was baseless. Since the Kharif of 1930, Government had given Rs. 2,25,000 special remission. Rs. 25 lakhs of taccavi debt was wiped off and Rs. 200 lakhs relief had been given to tenants—in all, an actual relief of 4½ crores. A Government which remitted so much money and reduced expenditure by more than two crores, could not be accused of lack of sympathy with the agriculturists. Referring to Chaudhri Chotu Ram's demand that the number of Europeans in service should be reduced to a minimum, Sir Henry Craik asked what the member's idea of a minimum number of Europeans was. Sir Henry Craik stated that on 1st January 1913 British members of the I. C. S. posted in the Punjab totalled 127. On January 1933, the number was 79. Similarly, the number of British police officers in the Punjab had decreased in the last two decades from 70 to 50, and Irrigation Department officers from 133 to 84. "Judging from the number of requests made to me by my friends, including members of this Council", said the Finance Member, "for the service of British officers for purposes of various inquiries and judicial trials—requests which I had often to refuse—I am not sure that there are many in the Punjab, particularly in the countryside, who want the number of British officers in the province to decrease still further".

#### VOTING ON BUDGET GRANTS—DEMANDS UNDER FAMINE

**6th. MARCH :—**There was a lively debate in the Council to-day on the Government's famine policy and on their capital expenditure on the hydro-electric scheme.

A feature of to-day's sitting was the appearance in their seats of the bulk of the elected Hindu and Sikh members, who had been boycotting the sittings since last year's walk-out. Sardar Habibullah's "cut" of Rs. 100 in the demand for Ministers, brought them in at the time of the division, and the cut was defeated by 36 votes to 14.

Zemindar-members criticised the inadequacy of provision for famine relief, and said that the people of Hissar district were either migrating or dying of hunger, and steps should be taken to save them from extinction.

The Government stated that everything possible was being done to alleviate the distress. Where the budgetary provision was found inadequate, recourse would be had to the Famine Relief Fund, which had a reserve of Rs. 10 lakhs.

*Sardar Habibulla* initiated the debate on the Government's famine policy, by proposing a cut of one rupee under the head "famine." Under this head, the Government provided a total of Rs. 2,00,000 for famine relief, which the mover of the cut characterised as totally inadequate taking into consideration the present condition of the agricultural classes. Urging that more funds should be allocated for this purpose, Mr. Habibulla gave a vivid account of the scarcity in Hissar and Gurgaon districts. He spoke of people who were compelled to sell their daughters in order to be able to live, and of others who were actually dying of hunger. It would be wrong, he said, to describe them as dying of some disease, as the doctor would tell them. Hunger was the main and the only cause. That hunger and want should claim so many deaths when they were having Council and popular control was deplorable. In the speaker's opinion, barring China there was no country in the world where people were dying due to famine alone, and such conditions should not be allowed to continue by any civilised country. He urged that the Government should tackle the question energetically, by providing more funds. If they did so, they would be serving two objects. They would thereby save the people of the area from extinction and at the same time ensure cheap construction of utility projects.

*Mr. Allah Dad Khan*, supporting the cut, said that the farmers of Hissar district were prepared to sell lands at less than one rupee per bigha. He appealed to the Government to bestir themselves in time. Otherwise, soon there would be no people in those districts to till the soil, as death and migration were daily depleting their population.

*Mr. Boyd* said that at the request of the district officer, he visited the areas in question and while generally speaking he did not find conditions were as bad as they were depicted, where real distress prevailed suitable and adequate measures had been taken by the authorities. He denied that officers were either dilatory or afraid

to ask for funds and assured the House that Government had always given liberal apportionments for taccavi and famine relief. Apart from what the Government provided towards alleviating the distress, a great deal had been done in the way of preventing famine altogether. After a great amount of labour and expense, a fine network of canals and tributaries had been laid out throughout the district, bringing water within the reach of all. He was confident that the Punjab Irrigation works had banished famine from the province. That was no mean feat, although it had not received the recognition it deserved. Eleven million acres were protected by canals, providing food not only for those within their zone, but also for many areas outside. Many test works had also been undertaken. As regards people dying of hunger, Mr. Boyd said that there were sections of the community in England to-day, about whom the same thing could be said to be true.

*Sir Sikandar Hayat Khan* pointed out that the Government had given very generous relief hitherto, and if they had made a provision of only Rs. 2,00,000 in the budget, that did not mean that they would not go beyond that figure. That was merely the budget allocation, and if a necessity arose, they could and would draw upon the Famine Relief Fund, wherein they had reserves totalling Rs. 15 lakhs.

In view of the Government's assurance, the "cut" was withdrawn and the grant passed *in toto*.

#### DEMAND UNDER HYDRO-ELECTRIC SCHEME

**7th. MARCH :—**The bulk of the elected Hindu and Sikh members who had been boycotting the sittings since the walk-out last year, again attended the Council to-day when it continued the discussion on Government grants. Those who came despite the walk-out included *Raja Narendranath*, Leader of the Hindu Party and *Pandit Nanakchand*, *Sardar Ujjal Singh* and *Mr. Sampuran Singh*. Due to their votes another "cut" in the Ministerial demand (in charge of *Sardar Jogindar Singh*) was negatived by 40 votes to 15.

The demands voted to-day included Rs. 3,79,300 for Civil Works and Rs. 6,35,900 for the Hydro-Electric Scheme (establishment charges.) Moving the cut on the first demand, speakers generally attacked the policy of constructing bungalows for officers, when famine prevailed in two districts. One of the speakers said that under self-government, there would be more Indian officers who would not use those bungalows at all and bungalows would remain vacant. The members wanted that a Committee should be appointed to enquire into the whole building programme.

The motion for the relevant cut was pressed to a division and rejected by 40 votes to 15, the members of the "walk-out" party solidly supporting the Minister.

Several cuts were moved in the demand for Rs. 6,85,400 under Hydro-electric Scheme (working expenses). Supporters of the cut said that it was first given out that the scheme would benefit the agriculturists, but this did not appear to be the case. They suggested that towns alone should be made to pay and not the villages.

**8th. MARCH :—**In the Council to-day, the major portion of the day was taken up with the criticism of the demand for working expenses connected with Hydro-Electric Scheme.

*Chaudhri Chottu Ram*, Leader of the National Unionist Party, said that a great deal of money had been already invested in capital expenses over the scheme. The working expenses should be reduced to the minimum. He suggested that, after the whole scheme was completed, it should be made over to a private company.

*Mr. Astbury*, Chief Engineer, pointed out that in estimating the working expenses the Government had no precedent to go upon. They followed the method of an inquiry committee. As for the burden of working expenses, *Mr. Astbury* said that the area which had to be served would have to bear the working costs. He said that the Government could not view with favour the suggestion that the working of the scheme should be entrusted to a commission appointed for the purpose, because it was better all such electricity enterprises were managed by the State.

*Dr. Gokulchand Narang*, Minister-in-charge of the scheme, in a speech lasting for over an hour replied in detail to the criticisms advanced by the previous speakers, and in particular to those made by *Mr. Chottu Ram*, father of the scheme. *Dr. Narang* narrated the story of a husband and wife who wanted to go on a holiday, but whose views regarding the place to go to differed. Eventually, the husband had to yield. When they reached the destination, however, it started raining, and conditions generally became unpleasantest, whereupon the wife crossly

turned upon her husband, and asked him "Why did you bring me here?" Dr. Narang justified the figures which the Government had presented to the House. He said that if a lot of money had been invested on the scheme, it was all the more necessary that adequate working expenses should be allotted to get an adequate return. He assured the House that every avenue of economy was being explored. As regards the benefits accruing from the scheme, both rich and poor stood equally to gain, especially the agriculturists. He admitted that the distribution of energy to distant places would be expensive, but no embargo as such had been placed on agricultural consumers.

Dealing with the suggestion that the scheme should be made over to a private company, the Minister said that after the House had roundly condemned the scheme, it was hardly likely that any private company would come forward to take it over, especially when the capital involved was over six crores. As a matter of fact, although the Government advertised for working tenders, no one at present was willing to take over, even the working responsibility. Dr. Narang announced that, after the scheme was completed, energy would be supplied at the rate of  $4\frac{1}{2}$  annas per unit, compared to six annas at present. He hoped that within four to five years the whole undertaking would return a gross revenue of Rs. 61 lakhs per annum.

In view of the Minister's reply, the mover withdrew the cut and the grant was voted.

#### DEMAND UNDER AGRICULTURE

The Department of Agriculture under the charge of Sardar Jogindar Singh came in for similar criticism at the hands of several members but after the Minister had promised to exercise the rigidest economy, all the "cuts" were withdrawn and the respective demands passed. The House then adjourned to the 13th instant.

#### DEMAND UNDER INDUSTRIES

**13th. MARCH:**—Two cuts to emphasise the necessity for a progressive policy to popularise Punjab industries—Government remaining neutral in each case—were passed when the joint demand for Rs. 11,88,300 for industries was made by Ministers Dr. Gokulchand Narang and Sardar Jogindar Singh.

*Khan Bahadur Habibullah*, moving a cut of Rs. 100, urged the holding of exhibitions of Punjab-made goods, and pointed out that this was the best way of advertising indigenous products, as had been shown by successful campaigns undertaken by other countries.

*Sardar Jogindar Singh* agreed with the mover that exhibitions were a potent factor as a trade developer, but money was the stumbling block. He said that since the formation of the Joint Development Board several enquiry committees were appointed to investigate the possibilities of industrial development in the Provinces. As a result of their labours, a sugar factory had been started at Sonapat, hosiery factories at Ludhiana, Jullunder and Ferozepur, a vegetable ghee factory at Lyallpur, a weaving school at Shahdra, weaving factories at Jullunder and Amritsar, and a fruit farm at Lyallpur. The Minister was also optimistic that since the recently opened hydro-electric scheme would make power easily available, some more industry would soon spring up in the Punjab. In this connection, he referred to the lack of markets in the Punjab itself for the sale of their products, and said that so far as the Government were concerned, they would explore all possible means to discover and open new markets. Concluding, Sardar Jogindar Singh stated that he proposed to appoint two or three sub-committees to study the conditions and find out the best means for the industrial expansion of the Punjab.

*Dr. Narang* spoke in the same strain and said that if money could be raised he would like nothing better than to organise exhibitions. It was a good sign that Rural Unionists had begun to realise the fact that agricultural and industrial developments should proceed side by side, and each depended on the other. In this connection, he anticipated close and harmonious co-operation between the rural and urban members. The question of holding an exhibition was considered at a meeting of the Standing Committee on Industries, and while the principle was approved of practical shape to the same could not be given because of lack of funds. Concluding, the Minister promised to plead in favour of the proposal before the Finance Department and, as regards voting on this question, the Government would remain neutral.



The cut was carried by a large majority.

Another cut with a similar object, namely, Re. 1 by *Shaikh Mahomed Sadiq*, was passed, the President not allowing discussion, as it covered practically the same ground and the Ministers jointly sympathised with the object of the mover.

Thereafter the grant was passed.

Messrs. *Mushtaq Ali Gurmani* and *Labhchand* withdrew their respective cuts, urging the opening of an experimental farm at Muzaffargarh and the popularisation of the tea industry in Kangra district, after *Sardar Jogindar Singh* had promised careful consideration of the proposals.

A grant of Rs. 40,39,500 in respect of Agriculture (transferred) was under discussion, when the Council adjourned.

#### DEMAND UNDER CO-OPERATIVE DEPT.

**14th. MARCH :—**Criticism of several aspects of the Co-operative Department covered the major portion of the debate to-day, when the Council continued discussion on the demand for Rs. 40,39,500 for Agriculture by *Sardar Jogindar Singh* Minister.

A cut of Rs. 17,830, moved by *Mr. Alla Dad Khan* to press the abolition of the posts of Deputy Registrars was negatived. *Chaudhry Alladad Khan*, moving his cut, said that since Deputy Registrars were never promoted to the Registrarship, they were affected naturally by the stigma placed on them. It was better their cadre was altogether abolished.

*Mr. Calvert*, Financial Commissioner, explained that Deputy Registrars were carrying out very important duties. They were working on a time-scale, and had not yet reached the maximum grade. He pointed out that in Madras, where there was much less co-operative work, there were no less than twenty-five Deputy Registrars.

*Chaudhury Alladad Khan* moved another cut of Rs. 30,000 to retrench the post of Banking Expert.

Several speakers supported the "cut", maintaining that the officer's duties were not indispensable, and if they were so, the banks who were deriving benefit therefrom and not the Provincial Government should defray his salary. It was also suggested that either the Registrar or the Financial Adviser of the Government should discharge the expert's duties.

*Sardar Jogindar Singh* defended the retention of Deputy Registrars as well as of the expert. In regard to the former, he pointed out that even in Madras, where the banking business was carried on in such a smaller scale, there were 25 Deputy Registrars. In regard to the Banking Expert, the Minister stressed the need for soundness of banking activities in order to safeguard the interests of the small investors, and enumerated the useful functions carried out by the expert, including the maintenance of strict audit, which was most essential to all concerned. The Minister pleaded that banking facilities should be extended rather than curtailed, and appealed to the House for support to all phases of the co-operative movement.

The "cut" was negatived by 34 votes to 20.

#### DEMAND UNDER AGRICULTURE

The results achieved by the Government's agricultural policy, were set forth by the Minister *Sardar Jogindar Singh* before the entire agricultural demand for Rs. 40,39,500 was passed.

*Mian Nurullah* moved a "cut" in order to press the appointment of a propaganda officer, to make known to agriculturists the successful methods evolved in laboratories.

*Sardar Jogindar Singh* welcomed criticisms on the agricultural and Industries departments, which only showed that there was a tendency to look at the problems from the common rather than the communal angle which, in his opinion, augured well for the restoration of communal harmony. The Minister stated that there were 3,000 demonstration farms already doing propaganda on behalf of the Agricultural Department. The Government had every sympathy with the proposal for engaging a Propaganda Officer. This question had been under consideration since 1926, but in view of the financial stringency, even the Agricultural Commission's recommendation in this connection could not be implemented.

The "cut" was withdrawn, and the grant sanctioned.

## DEMAND UNDER PUBLIC HEALTH

The token cut in the demand for Rs. 48,82,400 in respect of Medical and Public Health, concerning the utility of the post of Director of Public Health, was next taken up.

*Sir Feroze Khan Noon*, Education Minister, objected to the "cut", on the ground that the Director's post was non-votable.

The *President* over-ruled the objection, stating that the item was shown in the votable demand, and if the Minister wanted to treat it as non-votable he should postpone consideration of the whole demand.

Discussion being resumed, the mover of the cut observed that I. M. S., officers alone were selected for the post, and opined that either there should be no discrimination or the post should be abolished.

*Sir Feroze Khan Noon*, replying, pointed out that the Secretary of State reserved certain posts in the Provinces, and this post was among them. The Director of Health's post was reserved for the I. M. S., under the orders of the Secretary of State.

*Mr. Chottu Ram*, leader of the Rural Unionist Party, supported the "cut", stating that his party's object was to strengthen the hands of the Ministers and the Government to plead the case of the Medical Department before the Secretary of State.

## DEMAND UNDER POLICE &amp; JAILS

**16th. MARCH:**—While the demand for Police (Rs. 1,10,99,300) and Jails and Convict Settlements (Rs. 30,08,000) were passed without any discussion in the Council to-day, there was a great deal of discussion on the grants for Health, Education and Justice.

## DEMAND UNDER EDUCATION

*Mr. C. H. Alladadkhan* was for rejection of the whole Education grant of Rs. 1,47,63,600, as a protest against the stiff Matriculation Geography paper, in which examinees were asked whether the hydro-electric project would be of advantage to the agriculturists. When the Minister-in-charge could not answer the question to the Council, how could young boys, he asked, be expected to do so?

*Sir Feroze Khan Noon*, Education Minister, said that it was a matter for the examiners, and probably there had been a great advance in educational standard since *Mr. Alladadkhan* matriculated.

The whole grant was passed.

## DEMAND UNDER PUBLIC HEALTH

Replying to the criticism against the reservation of the post of Director of Public Health for I. M. S. officers, the *Inspector-General of Hospitals* pointed out that in order to safeguard the careers of I. M. S. entrants who entered civil employ certain posts were reserved, but the number of such posts had been considerably reduced since 1928 and at present, only one such post was reserved.

The cut was withdrawn and the whole demand of Rs. 48,82,400 for Medical and Public Health was passed.

## DEMAND UNDER JUSTICE

When the demand for Rs. 43,57,500 for the administration of justice was moved, *Sardar Boota Singh*, Deputy President, pleaded for more representation for Sikhs in the High Court establishment.

Moslem speakers suggested that instead of wasting time on such questions, the leaders of the communities should put their heads together and come to an agreed solution in respect of public services.

*Sir Henry Craik* pointed out that High Court appointments were in the hands of the Chief Justice, and the Government did not control them.

**17th. MARCH:**—Discussion on the demand for the grant for "Justice" being resumed, *Mr. C. H. Alladadkhan* moved a cut of one rupee in order to urge the abolition of the Special Tribunal appointed under the Criminal Law Amendment Act of 1930 which was at present trying the Punjab "Conspiracy" Case. The mover referred to the Government of India's decision, dissolving a similar Tribunal in Delhi.

*Sir Henry Craik*, Finance Member, said that the Punjab Tribunal did not stand in the same category as the Delhi Tribunal. Moreover, they had finished all prosecution evidence, and charges had been framed, which was not the case in respect of the Delhi Tribunal. He, however, said that it was not the Government's intention to use the Tribunal necessarily for other cases except the one they had in hand.

The cut was put to vote and rejected.

Government then suffered two defeats, first on Mr. *Chotturam's* cut of one rupee to condemn the meagre representation of the Hindu statutory agriculturists in the cadre of sub-judges, and the next on *Khan Bahadur Mian Mushtaq Ahmad Gurmani's* cut of one rupee, asking the Government to issue a notification transferring to Collectors the execution of all decrees involving alienation of land belonging to agriculturists in the Punjab.

Speaking on the first cut, *Chowdhury Chotturam* complained that for the last six years agriculturist Hindus had not received a single appointment in the Sub-Judges' cadre, although by convention, Hindus as such got fifty per cent of all vacancies. *Chowdhury Chotturam*, who is the Leader of the National Unionist Party, suggested the appointment of a Committee consisting of an agricultural Hindu, a non-agricultural Hindu and a Government servant, in order to determine what share of these appointments should go to statutory agricultural Hindus. At present, he said that non-agricultural Hindus not only got a lion's share, but the whole share.

Speaking on the cut, the Chief Secretary said that the question of the appointment of Sub-Judges was an extremely complicated and intricate one. At present 50 per cent of the posts went to Muslims, 50 per cent to Hindus. The Government, as such, had very little latitude in these appointments, firstly because all the postings were made on the nomination of the High Court and secondly, the Government were tied down by Section 122 of the Punjab Courts Act, as also by the rules made in this respect. The question would be further complicated if they introduced such classification as Hindu non-zamindars and Hindu zamindars, because that would inevitably lead to further compartments such as, Sikh-zamindars and non-zamindars, Muslim zamindars and non-zamindars etc. He asked the mover, whether he did not want the system of nomination at all and would be content with open competitive selection. As a matter of fact, the High Court was thoroughly dissatisfied with compartmental selection and would welcome open selection. Since Government could not go outside the High Court nominations and also beyond the rules, there was very little that the Government could do. The Chief Secretary asked for concrete suggestions.

*Choudhry Chotturam*, replying, said that the Government must do something for agricultural Hindus. Otherwise, the result would be entirely to eliminate Hindu zamindars. It was no satisfaction to them if Hindu non-zamindars got 50 per cent of the posts. If in open competition, non-agricultural Hindus got posts, he would say that competition alone was not the best criterion of merit. He said that if Section 122 of the Punjab Courts Act came in the way, it should be repealed.

The *Chief Secretary* raised a point of order, whether in the Budget debate an existing law could be discussed or attacked.

The *President* said that under Parliamentary practice, it could not, but under the tradition established under his predecessor in the House, it could and he wanted the sense of the House whether they wished to follow Parliamentary practice or previous tradition, warning the House at the same time that if they rejected Parliamentary practice in favour of their tradition, they would repent later.

The Government supported Parliamentary practice, but were defeated on a show of hands, by a large majority, who favoured continuance of the practice followed hitherto, of criticising the existing laws in the debate on Budget.

The "cut" was passed despite Government opposition.

Moving the second cut, *Khan Bahadur Gurmani* said that under the present system, the execution of decrees for the purpose of the Land Alienation Act was being defeated, and the safeguard he suggested was necessary in order to protect the people's rights.

The "cut" was carried and the House adjourned till the 20th instant.

#### OTHER DEMANDS GRANTED

**20th. MARCH:**—The Council met to-day to conclude voting Government demands for grants. The whole grant of Rs. 84,69,100 for general administration (reserved) was passed. Two more demands for debt services and capital expenditure on irrigation were sanctioned without discussion.



The remaining demands, including Rs. 35,54,000 for land revenue and Rs. 9,81,000 for excise were sanctioned without a debate. The House then adjourned.

### RESOLUTION IN AGRICULTURAL RELIEF

**21st. MARCH:—**The Council discussed non-official resolutions to-day mainly connected with zemindar members' demands for agricultural relief and the Zemindars Party scored a couple of successes against the Government opposition.

*Chaudhry Nazir Hussain* moved a resolution recommending to Government to appoint a committee of officials and non-officials, experts and a few non-official members of the Council to examine and report upon the best means of re-adjusting the existing water rates to the present prices of agricultural produce with as little loss to public revenue as possible. The resolution was passed, Government not opposing.

*Mian Nurullah* moved a resolution recommending to Government to give 50 per cent remission in all Government dues in respect of rabi of 1933.

*Mian Mohammad Hayat Qureshi* moved an amendment that instead of the words "50 per cent" "Substantial reduction" be substituted.

The secretary of the Finance department asked, what was substantial reduction.

*Sir Sikandar Hayat Khan*, Revenue Member, offered to accept the resolution if the words "if necessary" were added to the resolution.

The amendment was however pressed to a division and carried by 34 votes to 25.

Supporting the amended resolution *Chaudhry Allah Dad Khan* recalled the great services rendered by zemindars in war and Government should therefore act as a friend in need to their erstwhile helpers. The resolution was put to vote and carried by a majority. The House then adjourned till March 23.

### SUPPLY OF HYDRO ELECTRIC ENERGY

**23rd. MARCH:—**By the casting vote of the President, the Council carried a resolution demanding the supply of hydro-electric energy to zamindars for agricultural purposes, at concession rates for five years.

There was a keen debate, the Government opposing the motion, on the ground that its provisions were unbusinesslike.

*Sardar Gurbachan Singh*, the mover, pointed out that the Council had voted enormous sums for the scheme, hoping that zamindars would be benefitted. Moreover, when that class was hard hit from all sides, this concession would be helpful to them.

*Choudhry Alladad Khan* maintained that 98 per cent of the cost of the schemes was met by zamindars who deserved the privilege sought.

*Dr. Gokalchand Narang*, Minister for Local Self-Government, appealed to the House to look at the question from this practical view-point. Even surplus vegetables were not given free and how could electricity, produced at enormous cost from borrowed money, be given free? If they wanted to supply energy as they would, they might wait till their vote became final, and then they could supply energy without any cost. But probably they would not be prepared to take upon such a position then. He asked the members to help the Government to run the scheme on businesslike lines.

*Mr. Owen Roberts* supported the resolution and said that the project was not a business concern, and hence the Government should not expect any profit.

*Mr. Tekchand*, new member from Ambala, in his maiden speech, pointed out that electric energy was supplied at cheaper rates in towns for industrial purposes. He said that the British Government had done nothing to improve the miserable condition of the farmers.

The *Chief Secretary* contradicted *Mr. Tekchand's* statement as the ignorant remarks of a new-comer and said that the Government had done a lot of things for farmers including the opening of an agricultural farm at Lyallpur.

When the resolution was put it was declared carried by 32 to 31 votes, whereupon the Leader of the House pointed out that one vote for the Government had not been included in the list.

On *Mr. Nathwa Singh*, Hindu Member, declaring that he had voted for the Government, a tie was announced. The President, *Sir Shahabuddin*, thereupon, gave his casting vote in favour of the resolution.

When *Sir Sikandar Hayat Khan* drew the President's attention to the "general practice" that the casting vote was given in favour of the Government, *Sir Shahabuddin* replied that it would have been a different matter if there was a question of continuing the discussion. In the present instance an overwhelming majority of the elected members, who were representatives of public opinion, had voted in favour of the resolution and only the Government and the nominated members had voted against it. Hence, he thought it his duty to vote for the popular side. The Council then adjourned.

#### PUNJAB MUNICIPAL OFFICERS' AMEND. ACT

**24th. MARCH :—**In the Council to-day, a non-official Bill to amend the Punjab Municipal Executive Officers' Act was introduced and circulated for eliciting public opinion by 1st October 1933. The original Act lays down that an executive officer may only be appointed by a five-eighths majority. The present Bill empowers the appointment of an executive officer by a simple majority and also proposes to reduce the salaries of Executive Officers.

The mover pointed out that of ten municipalities to which the original Act was made applicable, only one, namely, Bhiwani was able to select an executive officer by the requisite majority and nine others were still unable to do so.

The speakers supporting the motion said that it was impossible that the requisite majority would be secured in any municipality, and also alleged that due to this factor, Executive Officers had come to look upon themselves as big bosses, and frequently insulted the elected representatives.

*Mr. Marsden*, Secretary, Transferred Department, and *Dr. Gokalchand Narang*, Minister for Local Self Government, replied that since the passing of the Act, there had been a great improvement in the working of the municipalities, whereas previously an unsatisfactory state of affairs prevailed.

Eventually, the Council passed the circulation motion, which the Government did not oppose.

**27th. MARCH :—**The Council discussed to-day the Bhakra Dam Project to irrigate three and half million acres in South Eastern Punjab, to which Government had declared themselves committed in 1929.

The *Finance Member* told the House that due to State territory intervening and the difficulties of capital it did not appear as though the scheme would ever be completed. The resolution was talked out.

#### Debate on the White Paper

**28th. MARCH :—**The motion to discuss the White Paper was talked out in the Council to-day after speakers from all sides of the House had participated in the debate.

*Raja Narendra Nath*, leader of the Hindu Party, made the following statement on behalf of the Hindus :—'The policy of the Government in England is to crystalize minorities and majorities in India as separate entities. We are constrained to look upon the constitutional proposals of the White Paper from the point of view of Hindu minority in the Punjab. Experience in the Hindu and Sikh minorities in the past has been very discouraging. The treatment meted out to them has been most invidious and unjust. The Home Government turned a deaf ear to all our representations. We, therefore, are convinced that any criticism of the White Paper from the point of view of these minorities will not meet a better fate and will be an utter waste of time. The Governor was supposed to be made the protector of minority rights in the new constitution, but can he be expected to follow a policy different from that of the Home Government which would be one of differential treatment of minorities in different provinces? No general formula of minority rights which would have given them protection, has been announced. Any suggestions on the point from us are absolutely useless as they are not likely to receive any better consideration. We, therefore, see no other course than to adopt an attitude of resentment and indifference'.

*Sardar Ujjal Singh*, a Round Tabler, made the following statement on behalf of the Sikhs :—The White Paper has completely ignored the claim of the Sikhs and even gave sanction to the communal award which the whole community regards as unjust and unworkable. We have examined the proposals with anxious care from the point of view of responsible government at the centre and autonomous government in the provinces with special regard as to the protection and safeguarding of

our minority interests and we are driven to the conclusion that under the proposals enunciated in the White Paper it would be impossible to establish an autonomous, impartial and just government in the provinces and effective and responsible government in the centre. 'Under these conditions no useful purpose, we believe, would be served at this stage to examine these proposals in detail and we must reserve our criticism for a more suitable opportunity when our criticism and cooperation are likely to be of some value.'

No other Hindu or Sikh elected member participated in the debate.

Among the *Muslim members* a large majority was of the opinion that the proposals were disappointing and they wanted to press Sardar Habibullah's substantive motion to vote but due to the motion not having been made in time the President disallowed voting and adjourned the house till 30th.

#### PUNJAB MUNICIPAL ACT AMEND. BILL

**30th. MARCH:**—The Council discussed to-day the Punjab Municipal Act (Amendment) Bill seeking to modify the law relating to municipalities so as to ensure better control and more efficient administration of local bodies. When *Dr. Gokulchand Narang*, Minister for local Self-Government moved that that bill as reported by the select committee be taken into consideration it met with severe condemnation at the hands of Muslim members who declared that it would mean the very negation of local self-government and invest the executive with autocratic powers to override local bodies.

The Bill was introduced by Dr. Narang in the last May session and referred to a select committee. Of the three Muslim members who had agreed to serve thereon two, namely, Choudhry Nazirhussain and Khan Bahadur Shaikh Din Mohammad resigned their seats later and Mr. Mushtaq Ahmed Gurmani appended a note of dissent wherein he said: 'If we are unfit to control or manage our local bodies it does not lie in our mouth to ask for responsible self-government, responsibility at the centre, or provincial autonomy. The Bill as amended gives powers to the local Government to superintend and ensure efficient management of municipalities in every way, the powers sought to be obtained being of the following nature: 'If in the opinion of the Government any officer or servant of a municipal committee is negligent in discharge of his duties the committee shall on requirement of the local Government suspend, fine, or otherwise punish him and if, in the opinion of the local Government he is unfit for his employment on the Committee, shall dismiss him.'

The Bill was discussed at length on the 31st. March and 1st. April. The motion of the Rural Unionist party in favour of the Punjab Municipal (Amendment) Bill being recirculated for public opinion was lost without a division and the Bill was considered clause by clause. The Unionist party at this stage walked out of the House in a body as was announced by their leader Choudhri Chhotu Ram earlier.

**4th. MARCH:**—The Council passed today the Punjab Municipal Act (Amendment), Bill. There are provisions in the Bill to punish negligence or dilatoriness on the part of municipal employees, dismiss any servant not discharging duties properly and making persons responsible for loss, etc., arising from their mismanagement or negligence. The Bill curtails the power of the presidents of municipalities and lays down rules with regard to the lay-out of municipalities and the control of noxious growth and cultivation.

The attendance was thin to-day due to the absence of Rural Unionists who had walked out in a body yesterday, 'leaving the Minister with his official votes and half a dozen in minorities to pass the Bill on his responsibility'. The Bill was further considered clause by clause and some amendments moved by nominated members were accepted while others were withdrawn.

*Kunwar Maharaj Singh* asked whether he could move an amendment tabled by the members of the Unionist party who were absent due to their walk-out, but the President did not allow this to be done.

*Mr. Owen Roberts* alone from among the Rural party (who did not join in the walk-out yesterday) made unsuccessful attempts to oppose individual clauses. He claimed a division on the amendment that clause 7 be omitted, but it was defeated by 30 votes to 5.

The House finally passed the Bill as amended and adjourned till April 11.



## RURAL INDEBTEDNESS COMM. REPORT

**11th. APRIL**—The Council adjourned *sine die* to-day, after discussing the report of the Rural Indebtedness Inquiry Committee, appointed by the Government in March last year, to examine the recommendations relating to indebtedness, made by the Agricultural Commission, the Labour Commission and the various Banking Inquiry Committees.

The Committee, which was presided over by Mr. H. Calvert, recommended *inter alia*, a simplified procedure for dealing with petty insolvency cases, the registration and licensing of money-lenders, the prohibition of compound interest, and the appointment of conciliation boards and machinery for the amicable composition of debts. The Committee suggested the introduction of a Petty Insolvencies Bill for bringing relief to agriculturists.

Criticism from the non-official side was confined to the zemindar members who, while welcoming some of the proposals, condemned the report as a half-hearted one and as intended more to help sahlukars than agriculturists. One of the speakers described the report as the death-warrant of the zamindars, and warned the Government that, if action was taken on the lines of the report, it would drive the debtor class among the tillers of the soil to take the law into their own hands.

After several speakers had attacked the report from the view-point of borrowers, *Sardar Jogendra Singh*, Minister of Agriculture, speaking on behalf of the Government, pointed out that the report merely put forth suggestion and in no way committed the Government to any particular course. He claimed that the Agricultural department had achieved a great deal in increasing the yield of the agriculturists during the last ten years. At the present rate, in twenty-five years the cultivators would be better off by at least twenty-five per cent in respect of their earning power. Defending Co-operation, which, he said, was the panacea for the agriculturist's ills, the Minister said: "If Co-operation fails, it fails because we have not trained our people in the ethics of Co-operation."

Earlier speakers attacked the Government and the non-agricultural members of the Committee for trying to deprive the agriculturists of even the privileges and rights which they enjoyed at present and deliver them into the hands of money lenders. *Malik Din* said: "What is proposed is complete annihilation of the Zemindars (the voice: How?) The Committee recommends that the maximum figures of 37.5 per cent should be a "fair" rate of interest. Even where a higher rate is charged, relief is not to have a retrospective effect. The agricultural debt at present runs to 135 crores, twelve times the annual revenue of the province. Even the interest thereon at the current rate of interest would amount to double the provincial income. According to the recommendations, ancestral land could be attached even after the death of the debtor. This represented the withdrawal of two valuable existing privileges, namely, sanctity of ancestral land and immunity through death. Within a few years, eighty per cent of the population would be entirely deprived of their lands and thrown into the streets. The Usurious Loans Act had been a dead letter in the Punjab and in other parts of India and the provisions of the Land Alienation Act had been rendered largely nugatory through the discretionary powers. The prospect for the indebted agriculturists was black indeed. The member concluded by warning the Government: "If you persist in such a course and the indebted peasants who are sinking lower and lower, find that the Government are impotent to protect them from the hands of the Sahukars, the time will soon come when they will protect themselves, with their own hands." He accused the capitalist members of trying to make more secure the citadel of the money-lenders, whereas the intention of the Government was to bring relief to the debtors.

*Chaudhry Chottu Ram*, Leader of the Unionist Party, recognised that the Committee had made some sound suggestions, such as, those for protection of holdings against fragmentation, but thought that, on the whole, the report was as objectional as the White Paper.

*Chaudhry Allahdad Khan* suggested that the Government should announce a two years' moratorium in respect of all rural debts.

*Sir Sikander Hayat Khan*, Leader of the House, winding up the debate, repudiated the suggestion that the Government officers in the districts were unsympathetic and said that the points mentioned by the speakers would receive careful consideration at the hands of the Government.

The Council then adjourned *sine die*.

# THE U. P. LEGISLATIVE COUNCIL

## LIST OF MEMBERS

President :—The Hon'ble Sir Sita Ram Kt.

- |  |   |
|--|---|
| 1 THE HON'BLE MR. E. A. H. BLUNT ( <i>Finance Member</i> ) | 41 RAO BAHADUR THAKUR PRATAP BHAN SINGH     |
| 2 THE HON'BLE KUNWAR JAGDISH PRASAD ( <i>Home Member</i> ) | 42 RAO BAHADUR THAKUR BIKRAM SINGH          |
| 3 THE HON'BLE NAWAB SIR MUHAMMAD YUSUF ( <i>Minister</i> ) | 43 KUNWAR GIRWAR SINGH                      |
| 4 THE HON'BLE MR. J. P. SRIVASTAVA ( <i>Minister</i> )     | 44 PANDIT JOTI PRASAD UPADHYAYA             |
| 5 MR. J. M. CLAY   | 45 CHAUDHRI DHIRYA SINGH                    |
| 6 MR. J. N. L. SATHE                                       | 46 RAO KRISHNA PAL SINGH                    |
| 7 MR. P. MASON   | 47 RAI SAHIB KUNWAR DHAKANLAL               |
| 8 MR. P. M. KHAREGAT                                       | 48 THAKUR BALWANT SINGH GAHLOT              |
| 9 MR. H. A. LANE   | 49 RAI BAHADUR BRIJ LAL BUDHWAR             |
| 10 MR. J. J. ALOOP   | 50 RAO BAHADUR KUNWAR SARDAR SINGH          |
| 11 MR. A. H. MACKENZIE                                     | 51 RAI BAHADUR MANMOHAN SAHAI               |
| 12 MR. H. J. FRAMPTON                                      | 52 BABU RAM BAHADUR SAKSENA                 |
| 13 RAI BAHADUR PANDIT SURAJDIN BAJPAI                      | 53 LALA SHYAM LAL                           |
| 14 KHAN BAHADUR SAIYID AINUD-DIN                           | 54 BABU KAMTA NATH                          |
| 15 RAI BAHADUR MR. PHULCHAND MOGHA                         | 55 KUNWAR JAGBHAN SINGH                     |
| 16 MR. E. F. OPPENHEIM                                     | 56 THAKUR KESHAVA CHANDRA SINGH             |
| 17 SAIYID ABDUL HASAN                                      | 57 MR. BRIJNANDAN LAL                       |
| 18 BABU HARI KISHAN MATHUR                                 | 58 RAO NARSINGH RAO                         |
| 19 MUNSHI MASUD ALI KHAN                                   | 59 CHAUDHRI RAM ADHIN                       |
| 20 VACANT  | 60 MR. BHONDU RAM                           |
| 21 MRS. KAILASH SRIVASTAVA                                 | 61 MAHARAO RAJA BAHADUR RAM SINGH           |
| 22 KHAN BAHADUR MAULVI FASIHUDDIN                          | 62 CHAUDHRI BHAROS                          |
| 23 MR. H. C. DESANGES                                      | 63 PANDIT SHRI SADAYATAN PANDE              |
| 24 MR. E. AHMAD SHAH                                       | 64 RAJA SRI KRISHNA DUTT DUBE               |
| 25 RAI SAHIB BABU RAMA CHARANA                             | 65 RAI BAHADUR BABU JAGADEVA ROY            |
| 26 MR. PERMA   | 66 MR. DAHARI                               |
| 27 RAI BAHADUR BABU AWADH BEHARI LAL                       | 67 RAI SAHIB RAI RAJESHWARI PRASAD          |
| 28 RAI BAHADUR BABU KAMTA PRASAD KAKKAR                    | 68 BABU ADYA PRASAD                         |
| 29 CHAUDHARI RAM DAYAL                                     | 69 RAI BAHADUR THAKUR SHIVAPATI SINGH       |
| 30 CHAUDHARI JAGARNATH                                     | 70 THAKUR GIRIRAJ SINGH                     |
| 31 THE HON'BLE SIR SITARAM                                 | 71 PANDIT PREM BALLABH BELWAL               |
| 32 CHAUDHRI BALDEVA  | 72 THAKUR JANG BAHADUR SINGH BISHT          |
| 33 RAI SAHIB SAHU JAWALA SARAN KOTHIWALA                   | 73 SARDAR BAHADUR THAKUR NARAYAN SINGH NEGI |
| 34 MR. TAPPU RAM   | 74 PANDIT BRAHMA DUTT                       |
| 35 PANDIT MOTILAL BHARGAVA                                 | 75 RAI BAHADUR THAKUR HANUMAN SINGH         |
| 36 RAJA BAHADUR KUSHAL PAL SINGH                           | 76 RAI BAHADUR LALA SHEO PRATAP SINGH       |
| 37 CHAUDHRI RAM CHANDRA                                    | 77 KUNWAR DIWAKAR PRAKASH SINGH             |
| 38 CHAUDHRI GHASITA  |   |
| 39 RAI BAHADUR CHAUDHRI RAGHURAJ SINGH                     |   |
| 40 CHAUDHRI ARJUNA SINGH                                   |   |

78	THAKUR MUNESHWAR BAKHSH SINGH	102	KHAN BAHADUR SHAIKH GHULAM HUSAIN
79	THAKUR JAINDRA BAHADUR SINGH	103	KHAN BAHADUR HAFIZ GHAZANFARULLAH
80	RAJA JAGDAMBIKA PRATAP NARAYAN SINGH	104	KHAN BAHADUR SAIYID JAFER HOSAIN
81	RAJA AMBIKESHWAR PRATAP SINGH	105	SHAIKH AFZAL-UD-DIN HYDER
82	RAJA BIRENDRA BIKRAM SINGH	106	KHAN BAHADUR MAULVI MUHAMMAD FAZLUR RAHMAN KHAN
83	RAI BAHADUR KUNWAR SURENDRA PRATAP SAHI	107	KHAN BAHADUR SIRDAR MUHAMMAD SHAKIRDAD KHAN
84	MR. C. Y. CHINTAMANI	108	KHAN SAHIB MUHAMMAD IMTIAZ AHMAD
85	RAI RAJESHWAR BALI	109	RAJA SAIYID MUHAMMAD SAADAT ALI KHAN
86	MR. ZAHUR AHMED	110	SHAIKH MUHAMMAD HABIBULLAH
87	SYED ALI ZAHEER	111	RAJA SAIYID AHMAD ALI KHAN ALVI
88	KHAN BAHADUR MR. MUHAMMAD ABDUL BARI	112	RAJA SIR MUHAMMAD EJAZ RASUL KHAN
89	SYED YUSUF ALI	113	RAJA SAIYID MUHAMMAD MEHDI
90	KHAN SAHIB MUHAMMAD MAQSUD ALI KHAN	114	MR. L. M. MEDLAY
91	SHAH NAZAR HUSAIN	115	RAI SAHIB LALA ANAND SARUP
92	CAPTAIN NAWAB MUHAMMAD JAMSHED ALI KHAN	116	RAI BAHADUR LALA BIHARILAL
93	NAWABZADA MUHAMMAD LIAQUATALI KHAN	117	CHAUDHRI MUHAMMAD ALI
94	HAFIZ MUHAMMAD IBRAHIM	118	THAKUR RAMPAL SINGH
95	MR. MUHAMMAD RAHMAT KHAN	119	RAI BAHADUR KUNWAR BISHESHWAR DAYAL SETH
96	KHAN BAHADUR MAULVI MUHAMMAD OBAIDUR RAHMAN KHAN	120	RAJA JAGANNATH BAKHSH SINGH
97	KHAN BAHADUR MUHAMMAD HADIYAR KHAN	121	MR. E. M. SOUTER
98	KHAN BAHADUR HAFIZ HIDAYAT HUSAIN	122	RAI BAHADUR BABU VIKRAMAJIT SINGH
99	KHAN BAHADUR MAULVI SAIYID HABIBULLAH	123	BABU GAJADHAR PRASAD
100	M. NISARULLAH		
101	KHAN BAHADUR SAIYID ZAHID ALI SABZPOSH		



# THE U. P. LEGISLATIVE COUNCIL

BUDGET SESSION—LUCKNOW, 15th. FEBRUARY TO 1st. APRIL 1933

## AMNESTY FOR POLITICAL PRISONERS

**15th. FEBRUARY:**—The Budget session of the United Provinces Legislative Council commenced to-day with the President, *Sir Lala Sitaram*, in the chair.

By 26 votes to 20, the Council rejected a resolution urging the grant of a general amnesty to all political prisoners, in order to create a favourable atmosphere for the introduction of the new constitution.

The *Finance Member* said that political prisoners held the key of the doors of their cells in their own hands, and had only to turn it to come out. He admitted that the Government wanted peace, but at the same time he wanted to be assured that there would be no recrudescence of the Civil Disobedience movement if these prisoners were released.

Another non-official resolution, urging better treatment of political prisoners than what was meted out to ordinary "C" class prisoners, was lost without a division.

## HILL EXODUS

A resolution, urging the entire stoppage of the hill exodus owing to financial stringency, was withdrawn. The *Finance Member* described the economies already effected by the proposed curtailment of the official stay at Nainital. With regard to the holding of a session of the Council there, he said, the Government had an open mind.

## GIRLS' EDUCATION IN U. P.

**17th. FEBRUARY:**—In the Council to-day *Mrs. Kailash Srivastava*, wife of the Minister for Education, moved:

"This Council recommends to the Government to take the necessary steps to make primary education compulsory for girls in the areas where there is already compulsory education for boys."

*Mrs. Srivastava* said that she was not actuated by a spirit of jealousy, but her aim was to put up an earnest fight against illiteracy. The education of mothers was a condition precedent to that of children, and she hoped the Government would not only extend sympathy to her motion, but give tangible proofs of it.

The *Minister for Education*, who followed, gave a resume of the activities of the Government in furthering the expansion of female education. He described the difficulties the Government had to contend against, chiefly because of time-honoured customs and the purdah system. He was prepared to accept the resolution in so far as to invite the suggestions of local bodies, and by the time these were received he hoped the financial situation would improve, which would facilitate compliance with the wishes of the mover.

The resolution was put and adopted *nem con.*

## MIDDLE CLASS UNEMPLOYMENT

**20th. FEBRUARY:**—In the Council, the resolution of *Mr. Zahur Ahmad*, urging the immediate adoption of measures to start subsidized industries in every district in view of the increasing unemployment among the educated classes, and the introduction in all educational institutions of training in industries, according to requirements of each locality, was carried without a division.

The mover of the resolution urged that, instead of spending large sums of money in rooting out the evils of terrorism and lawlessness, the Government should earnestly endeavour to cure the disease which was the cause of these evils, namely, unemployment by subsidized industries.

## MIDDLE SCHOOLS FOR GIRLS

The House also adopted *nem con* the resolution of *Mr. Rambahadur Saksena* suggesting the starting of Anglo-Vernacular middle schools for girls at all district headquarters.

## EXCISE POLICY IN U. P.

**21st. FEBRUARY :—**The debate was resumed to-day upon the resolution moved by Mr. C. Y. Chintamani at the Naini Tal session last year, asking the Government not to re-introduce the auction system of disposal of excise licences nor the sale of country spirit in open bottles, and to implement their repeated declarations of policy and to subordinate considerations of revenue to the promotion of temperance, by adherence to the policy contained in the resolution on the Pim Committee Report.

The Minister of Excise, Mr. Srivastava said that the policy of the Government in this regard was the same as that enunciated by Mr. Chintamani as Minister, who had not himself accepted total abstinence during his tenure of office. The speaker was loyal and faithful to his worthy predecessor, in the matter of that policy. All that had been done was to change the system, but he refuted the allegation that the change had been introduced surreptitiously. He characterised the surcharge system as irrational. Under it, much needed revenue had been unnecessarily sacrificed, and he added that the auction system had reduced the total consumption by cutting out illicit supply and that thereby it promoted the cause of temperance. It had resulted in a definite increase of revenue without doing harm to the cause of temperance. He asked the House not to be led away by the comparatively harmless appearance of the resolution which, in fact, was one of far-reaching character. After all, the Minister added, total Prohibition was not the goal of the Government, but the minimum of consumption with the maximum of revenue. With that object in view, he pointed out, almost all other provinces in India had gone back to the auction system.

The Minister reminded the Moslem members of the House that there was no religious principle involved in the resolution inasmuch as Islam prohibited the drink habit altogether. By voting for the resolution, therefore, they would be doing nothing in accordance with the dictates of their religion, but by voting against it they would be promoting sobriety among people.

Mr. Chintamani, replying to the debate, referred to what he had said in moving the resolution in June 1932, and examined in detail the points raised by the Minister. He repudiated the suggestion that the Excise policy, he followed as Minister, was minimum consumption with maximum of revenue, and maintained, instead, that the policy of the Government then was subordination of consideration of revenue to the promotion of temperance. He showed how the auction system was engendering larger consumption through questionable means, and stated it was with a view to combating the evil, that the surcharge system was adopted.

The first and fourth parts of the resolution of Mr. Chintamani were negatived after a division, while the second and third were carried, there being no dissentient. The latter two parts requested the Government not to increase the number of shops of opium drugs and spirits (country and foreign), except where there might be a pronounced public demand therefor, and to deal with the evil of illicit distillation by vigorous administrative action.

## HAMIRPUR DT. BOARD ELECTIONS

**27th. FEBRUARY :—**In the Council today, the President *Sir Sita Ram*, disallowed the motion of Mr. Jagbhan Singh seeking to discuss certain methods alleged to have been adopted in connection with the Hamirpur District Board elections held on February 17th and 18th. It was stated by Mr. Singh that one of the charges was that there had been open canvassing by the subordinate staff.

The Minister *Nawab Sir Mahomed Yusuf* said that he would ask for a report and if any action was called for, the matter would be looked into.

The President agreed with Mr. Singh that it was a vital question concerning franchise, but felt that there was no urgency about it, and that it could wait for some time.

## U. P. COURT FEES AMENDMENT BILL

On the motion of the Finance Member, the Council passed the United Provinces Court Fees Amendment Bill, levying a fee of Rs. 100 on Municipal and District Board election petitions. According to the statement of objects and reasons, regard being had to the importance of these petitions and the cost to which Government were put in arranging for their trial, the present rates were inadequate.

**Financial Statement for 1933-34**

The Budget was then presented. *Mr. E. A. H. Blunt*, Finance Member, in the course of his speech introducing the budget for 1933-34, said :—

During the period since the commencement of the reforms up to the end of 1933-34 our capital receipts have amounted to 1,130 $\frac{3}{4}$  lakhs whilst the charges against these receipts have amounted to just over 1,124 lakhs. On the working of the whole period, therefore, we have secured under this head a balance of 6 $\frac{1}{2}$  lakhs. I may here mention that one of the two debts which we took over with the reforms, namely the old provincial loan account, has now been completely repaid. A sum of 296 $\frac{1}{2}$  lakhs has thus been wiped out of our debt account.

During the same period i. e., from 1921-1934, our total provincial revenue inclusive of the opening balance in 1921-22 has amounted to 15,553 lakhs whilst our expenditure has amounted to rather less than 15,846 lakhs, making a deficit of nearly 293 lakhs. To this, however, has been transferred the balance in the old development loan of 118 $\frac{1}{2}$  lakhs with the result that the deficit under this head now amounts to just under 174 $\frac{1}{4}$  lakhs. The deficit on all provincial resources combined amounts to just over 167 $\frac{1}{2}$  lakhs.

The causes of this deficit was fully explained in my speech of last year, and I need not repeat them. Calamities such as the floods of 1924-25, unduly heavy expenditure in several years, unfortunate years such as 1928-29, and finally, the fall in price levels, have all contributed to this result. The last of these causes still persists, and its effect is still fresh in our minds. Its importance becomes clear from the following fact. In 1931-32 and 1932-33 we have, on account of this fall, already remitted 226 lakhs of land revenue; and we are budgeting for another 113 lakhs of remission in the next year. And so, but for the fall in prices, we should at the end of 1933-34 be able to boast of a surplus of 172 lakhs, instead of lamenting a deficit of 167 $\frac{1}{2}$  lakhs. There are, however, certain signs of improvement. The deficit of 228 lakhs which we expected in 1931-32 has proved to be only 178 $\frac{3}{4}$  lakhs. Of this decrease of 49 $\frac{1}{4}$  lakhs, 30 $\frac{1}{4}$  lakhs came from increased receipts and 19 lakhs from decreased expenditure. Passing on to 1932-33 we budgeted for a loss on the year's working of 59 lakhs, raising the total deficit to 287 lakhs. We now expect the loss on working to be only 10 lakhs, and the total deficit will only be 188 $\frac{1}{2}$  lakhs. In other words, we expect our position at the end of 1932-33 to be better than originally anticipated by no less than 98 $\frac{1}{2}$  lakhs.

Coming now to the budget for 1933-34 I begin by mentioning a piece of good news which has only just reached us, and is consequently not allowed for in our estimates. We still owe to the Government of India, for the re-armament of our police, a sum of 2 lakhs. It was due for repayment in the budget year, and the budget as printed allowed for it. The Government of India, however, have recently agreed to postpone half of this payment until 1934-35, with the result that the expenditure figures both under Police and in the total are too large by a lakh. The reduction will be made either by a Government motion for a cut, or by correction in the final edition. I mention the matter at once, because in all the figure which I shall now quote, I take account of this additional saving.

In the budget year we estimate for a revenue 1,150 $\frac{3}{4}$  lakhs and expenditure of 1,146 $\frac{3}{4}$  lakhs. Under Debt heads so far as provincial resources are concerned, we estimate for receipts of 49 $\frac{1}{4}$  lakhs and charges of 31 $\frac{1}{4}$  lakhs, with a surplus of just under 18 lakhs. The total surplus on the year's working is therefore 22 lakhs.

As compared with 1932-33 gross revenue (excluding irrigation working expenses) is 27 $\frac{3}{4}$  lakhs above the revised for the current year. The principal contributors are Land Revenue, where there is an increase of 12 $\frac{3}{4}$  lakhs, as a result mainly of reduced provision for remissions due to crop failure, which were high in 1932-33; and excise, where the increase is 11 $\frac{1}{2}$  lakhs, as the result of returning on the basis of actuals to a (low) normal figure. Other heads contribute between them an increase of 3 $\frac{1}{2}$  lakhs.

The total increase in expenditure (again corrected to allow for Irrigation working expenses) is 5 $\frac{1}{2}$  lakhs above the reserved. There are savings amounting to 30 $\frac{3}{4}$  lakhs under Debt charges and minor savings, stationery and printing and the Secretary of State's expenditure which bring the total savings of 31 lakhs. All other heads,



however, exhibit an increase of which the most important are  $7\frac{1}{4}$  lakhs under Education, 4 lakhs under General Administration, 3 lakhs under Irrigation working expenses,  $2\frac{3}{4}$  lakhs each under Administration of Justice and the High Commissioner's expenditure,  $2\frac{1}{2}$  lakhs under Superannuation allowances and pensions, and  $2\frac{1}{4}$  lakhs under Miscellaneous charges. Of these the last is due to a special item for remissions of takkavi, whilst the last but one is based on actuals. In every other case, the principal cause is the reduction of the pay cut from 10 to 5 per cent and the restriction of the latter to salaries of Rs. 50 and over. The effect of this change is some 20 lakhs.

In conclusion, I have merely this to say. The tide of misfortune is, I hope, beginning to turn, and by the time that the new constitution comes into force, I sincerely hope it will have ebbed, and that the ship of State will once more be sailing on a sea of prosperity.

#### COURT OF WARDS AMENDMENT BILL

**29th. and 30th. MARCH :—**The Council discussed the court of Wards Amendment Bill in these two days. On the 29th. *Rai Sahib Lala Anand Sarup* moved an amendment to reduce the representation accorded to the Agra Province Zamindars' Association at Allahabad from three to two and, secondly, to give one seat on the court of wards to a member elected by the United Provinces Zamindars' Association, Muzaffarnagar. He said that the Association was founded so far back as 1906 and it had a larger membership than the British Indian Association of Oudh. The Agra Province Zamindars' Association which was given the right of electing three members was only started in 1914 and it restricted its membership to zamindars paying a land revenue of Rs. 5,000 and over, while all zamindars were eligible for membership of the Muzaffarnagar Association. The speaker urged that in view of its importance and position the Muzaffarnagar Association should be given at least one seat on the court of wards.

*Nawab Sir Muhammad Yusuf* said he regretted very much that he had to oppose the amendment. Recently in his speech at Etah he had appealed to the Muzaffarnagar Association to affiliate itself to the Agra Zamindars' Association. By such affiliation they could add to their prestige and better organize the zamindars. He did not mean to say that the Muzaffarnagar Association had not done any useful work in its own sphere but it could not be said that it was an association of provincial importance. The best solution was to seek to affiliate that body with the Agra Zamindars' Association at Allahabad rather than press its claim independently in season and out of season. The Agra Zamindars' Association had practically the same status as the British Indian Association and so it had been given an equal number of seats and the mover should not try to take away one seat from them.

At the request of *Mr. Chintamani*, the Deputy President put the amendment in two parts. The first part asking for a reduction of seats given to the Agra Province Zamindars' Association from three to two was rejected and the house divided on the other part asking that one seat Association. It was also rejected by 48 against 23 votes. Among those who voted for it were Messrs Chintamani, Brijnandan Lal and Vikramajit Singh, Maulvi Fasihuddin and Raja Jagannath Bakhsh Singh. The proviso to clause 4 says that no person except the president shall be elected or nominated as a member who does not pay land revenue or under-proprietory rent amounting to Rs. 1,500 or who is not in receipt of maintenance allowance of at least Rs. 1,200 a year from the estate of a proprietor.

*Takur Hanuman Singh* moved an amendment to this proviso seeking to exclude not only the president but also the members elected by the United Provinces Legislative Council and nominated by the local Government from its purview. The amendment was lost after discussion.

*Raja Jagannath Bakhsh Singh* moved the deletion of the entire proviso on the ground that the minimum amount of revenue laid down in it would exclude many useful members of the zamindar and taluqdar communities from being elected to the court of wards. The amendment was opposed by the Raja of Jaunpur, Hafiz Hidayat Husain, Shaikh Muhammad Habibullah and Mr. E. F. Oppenheim, senior member of the Board of Revenue.

Giving his hearty support to the amendment, *Mr. Chintamani* said that if it was accepted the poorer classes of landlords would also be empowered to have a share in the work of the court of wards. If representation was accorded to the Legislative Council—he was not sure whether they were on the right track in

asking the Council to send representatives to a number of boards outside—it stood to reason that no restrictions should be imposed on its discretion and that it should be trusted to possess enough of responsibility to send such members as would do their duty.

The House voted for the retention of the proviso by 36 against 34 votes and the amendment fell through. The Council then adjourned.

**30th. MARCH:**—Resuming discussion to-day on the Court of Wards (amendment) Bill. *Thakur Hanuman Singh* moved the addition of a new proviso to sec. 4 seeking to disqualify for election any landlord or under-proprietor indebted to the extent of double the land revenue or rent or disqualified under sec. 8 of the Act.

*Mr. H. A. Lane*, Revenue Secretary, opposing, said that it was difficult to decide who was indebted or not and further a man might be quite solvent though he was indebted to the extent of double his land revenue or rent.

On the motion of *Mr. Brij Nandanlal* the house agreed to delete the portion relating to indebtedness and the remaining portion was rejected by 24 against 18 votes, officials remaining neutral.

A new proviso was added on the motion of the *Finance Member* that until the first president was appointed, the member of the Board of Revenue in charge of the court of wards should be the ex-officio president.

The House next debated the clause relating to the appointment of the secretary. The Bill provides that the secretary should be a whole time paid Government servant. The *Finance Member* moved an amendment that the secretary should be a whole time Government servant paid by the Court of Wards and appointed by the Government who should prescribe the scale of his remuneration.

*Mr. Chintamani* moved to substitute the word 'officer' for 'Government servant'. He pointed out that the Governor might be trusted to select one whom he regarded as competent and in every way fit for the office whether from among Government servants or outside their ranks.

*Mr. E. F. Oppenheim*, senior member. Board of Revenue, opposing the amendment said that the secretary must be an officer with much administrative experience. His work was not purely secretarial work. He has to give a number of interviews and understand the wards and their difficulties. The speaker urged that a Government servant would do the work better.

*Shaikh Muhammad Habibullah* supported *Mr. Chintamani's* amendment and said that Government seemed to distrust even the Governor (*Mr. Chintamani*: Hear, hear) and would not let him choose a competent special manager of any estate as secretary of the Court of Wards.

*Thakur Hanuman Singh* and *Raja Jagannath Bakhsh Singh* further supported the amendment. *Mr. Chintamani's* amendment was accepted by the *Finance Member* and adopted by the House.

*Mr. Chintamani* next moved an amendment that the secretary be appointed by the Government and not the Governor which was rejected.

Another amendment was moved by *Mr. Chintamani* that the secretary be appointed 'from among persons recommended by the Court of Wards on a salary fixed by the Court.'

*The President* at this stage adjourned the Council for two hours till 2-15 p.m. as a number of amendments on the order paper which were to be moved were not in proper form.

After lunch the *Finance Member* moved an amendment to the effect that the Government should after consulting the Court of Wards appoint a secretary and fix the scale of his remuneration.

*Mr. Chintamani* moved another amendment that the secretary should be appointed from among persons recommended by the Court of Wards on a salary fixed by the Court of Wards. The *Finance Member's* amendment was carried and *Mr. Chintamani's* amendment was lost.

The *Finance Member* then moved under para 24 of the Manual that further debate on the bill be now stopped and resumed at the next meeting of the Council. He said one reason for his asking the House to adjourn the debate was that they had still to discuss the White Paper and everybody he believed felt tired and did not want to stay after Saturday. He doubted whether it would be possible in any case to bring the measure into force till the beginning of the next revenue year that is, till October, so that there was plenty of time to discuss it under more pleasant conditions both as regards temperature and mental equilibrium. (Laughter). The House agreed.

## Debate on the White Paper

The *Finance Member* next moved that the White Paper on Indian constitutional reform be taken into consideration. He said the debate would be left entirely to the non-official members except in so far as it might be necessary for a Government member to make remarks on questions of fact on which there might be any misapprehensions. He hoped there would be no such need and added if it should come to voting official members would not vote. This restriction, however, did not apply to the hon. ministers.

*Hafiz Muhammad Ibrahim* who initiated the debate on the White Paper said in India it stood universally condemned and there was a very strong public opinion against the constitution embodied in it. It failed to remove the long standing grievances of Indians. The most important of those grievances was that India was ruled not for her own benefit but with the object fulfilling the desires of English businessmen and English officials. India was still being governed with a view to do good to the trade of England at the sacrifice of Indian industries and Indian trade. They had asked times out of number for the abolition of the post of the Secretary of State but it was to continue under the new reforms scheme. The betterment of Indian conditions could not be achieved for so long as the post of the Secretary of State remained.

*Rai Rajeshwari Prasad* said that the White Paper denied to Indians substantial responsibility in managing their own affairs. The dominating economic interest of Britain prevailed and the economic interest of India was sacrificed to Britain's. He next condemned the extraordinary powers proposed to be given to the Governor-General and Governors and took strong exception to the powers to command the legislature to pass any bill they liked. It seemed to be a cry in the wilderness for Indians to press their rights and it was indeed no wonder that the White Paper had produced no favourable impression on anybody's mind.

*Babu Vikramajit Singh* enumerated a number of objections to the provisions contained in the White Paper. He mentioned that there were a number of safeguards for a transitory period which was not fixed. The federal constitution was made dependent upon circumstances which might not possibly come into existence. Even if they happened the constitution could not come into existence automatically but the two Houses of Parliament had to present an address to his Majesty the King. The White Paper did not contain any alternative scheme if the federation failed to come into being. The All India services would continue to be recruited by the Secretary of State and the Ministers would have no control over them. Very large powers were proposed to be given to the Governor-General and Governors and a statutory railway board would be created, though railways was a transferred subject. Lastly, there was no scheme for Indianisation of the army. The speaker opined that it would have been far better if there was no question of States joining the Federation and the provinces alone would have been considered sufficient units to constitute the federation. He condemned the introduction of a kind of dyarchy in the central Government where defence and external affairs and ecclesiastical department would be reserved subjects. He said the proposed provincial autonomy with large powers in the hands of Governor was not a bold step but a cautious and staggering step and real autonomy would not be possible unless the scheme was greatly improved in several directions. He urged that further recruitment by the Secretary of State to the Indian Police Service be stopped as there was no dearth of suitable material in the country. He particularly referred to the inadequate representation of commerce in the United Provinces both in the central and the provincial legislatures and summed up by saying that his Majesty's Government were presenting a picture with ugly spots on it which must be first removed in order to make the picture acceptable to India.

*Mr. E. Ahmed Shah* said the White Paper was not the final product, a constitution which was to be taken for granted as the finished product. He asked the House to remember that there were two or three insurmountable difficulties in connection with the constitutional proposals embodied in the White Paper, India was a vast continent compared with the dominions of Canada, South Africa and Australia and there were five provinces with greater population than the populations of all those three dominions put together. There were 232 dialects in the country of which 13 were named principal languages which were absolutely different from one another. Thirdly, there were all types of religious faiths in India. These facts made the problem a very complex and grave one and in considering the constitution they should guard against any speed which might prove injurious and harmful to the



people. If they bore all those considerations in mind and then studied the White Paper they would not find many aspects in it to be very seriously looked into. Even in constitutions of some dominions the Governor-General had some powers. He approved of the safeguarding powers given to Governors to protect the interests of minorities but disapproved of the provisions relating to commercial discrimination. He considered that a second chamber was necessary in the United Provinces as there were possibilities of a clash of interests and it was necessary to keep the balance. He urged that even I. C. S. and I. P. S. should be brought up under the control of the provincial authorities and there should be no further recruitment from Britain. He agreed with the criticism of Sir T. B. Saprú that recruitment to those services by the Home Government was inconsistent with provincial autonomy and it would block the way of administrative economy in the provinces. He said the White Paper was blackened with a long list at the end of what were known as scheduled castes and said their existence was a stading slur on Indian society as a whole.

*Raja Shri Krishna Dutt Dube* of Jaunpur said though the strength of the United Provinces legislature was going to be doubled the seats given to zamindars remained the same as now. (Nawab Sir Muhammad Yusuf—Hear, hear). They were quite justified in asking for more seats as they held a great stake in province. He held that under the new constitution the powers of ministers would decrease and not increase and characterized it as a great drawback in the constitution. The White Paper was on the whole unsatisfactory and Indians would not rest content until it was greatly liberalized.

#### The Governor's Speech

Reviewing the economic, political and financial situation in the Province, H. E. Sir Malcolm Hailey said: "Elsewhere the change in money values has produced a disturbance in mentality, so great as almost to shake our confidence in civilisation, which has shown such susceptibility to changes in its material conditions, It is a tribute to the fibre of Indian civilisation that it has withstood the shock which has upset the mental balance of other people."

Referring to the charge of lack of sympathy on the part of the Government in regard to the question of remission of land revenue, His Excellency said that Rs. 339 lakhs of land revenue which would be remitted by the end of 1934 was far in excess of that remitted in the other provinces. In order to meet the fall in revenues, the working expenditure in 1932-33 had been reduced by 130 lakhs as against expenditure for 1930-31, but it was hoped to attain an equilibrium in working expenses in 1933-34.

Speaking on the proposals contained in the White Paper, Sir M. Hailey said: "The White Paper is somewhat severe in form. It sets forth a scheme without argument or justification, and does not make the same appeal as the Montagu-Chelmsford Report. The extent of the powers conferred on popular representatives is overshadowed by the precision given to the statement of restrictions on those powers. More advanced critics have always regarded the measure of responsibility granted at the Centre as a focal point and it is to what they regard as inadequacy of the proposals in that respect that they invite public attention."

Continuing, His Excellency said: "As regards the Centre, there is much for which we must wait until the picture is further completed in the Parliamentary discussion: I don't think it would help you, if I attempted to penetrate for you the natural reticence of the paper on certain matters, for instance, para 13 of the Introduction, which refers to steps to be taken if circumstances prevent the introduction of Federation."

Analysing the proposals referring to the Provinces, firstly, in their relation to the Centre on the legislative side, His Excellency said that there were proposals for delimiting the mutual spheres of legislation and a device suggested for narrowing down the controversial question of residual powers. On the administrative side, intervention could be from two sources. The Centre could issue directions to the province as to the exercise of its powers in relation to any federal subject, but only in relation to such subjects, and the Governor-General could issue instructions to the Governor only in respect of matters defined as his special responsibility.

The lowering of the franchise would give an electorate five or six times that which had at present elected the Council. The provision of as many as twenty Depressed Class seats would have its influence on the representation of the general electorate.

The next question was how far within the province itself popular representatives would have Executive control. His Excellency observed: "For you, the test must be the extent of those special responsibilities in pursuance of which the Governor can override the Ministers either on his initiative or as agent of the Governor-General, and the precision with which those special responsibilities are defined and how far Ministers would have complete control over the administration."

His Excellency said that there would probably be no cavil at the stipulation that all recruitment must be made through the Public Service Commission, which would also have a voice in promotions and disciplinary action.

It was an error to apply to the scheme, continued His Excellency, arguments and criticisms which would only be applicable, if they were being presented with the final form of the constitution engraved on brazen tablets, immutable for all time. He observed: "To our British view, one test of the value of a constitution, is its adaptability to future conditions. I suggest to you to consider here the extent to which the system of controlling the Governor by an Instrument of Instructions will supply an element of adaptability. You have a concrete scheme put forward after much consideration by those who in all sincerity have thought only to benefit you."

Finally, His Excellency exhorted the councillors not to be deterred by any minor difficulties, but to carry outside the Council the determination to work the scheme.

**31st. MARCH:**—The Council sat to-day and continued the discussion of the White Paper which was universally condemned by the majority of speakers as containing highly unsatisfactory and reactionary proposals. About sixteen non-official members including *Mrs. Kailash Srivastava*, wife of the Education Minister and the only lady member of the Council, participated in to-day's debate.

*Mrs. Srivastava* characterised the White Paper as the most disappointing document. She said, so far as women franchise was concerned, its recommendations fall much of those of the Simon Commission and the Lothian Committee. She vigorously criticised the provision according to which women were asked to make application to get themselves enfranchised and complained that literary qualification for women had been placed too high. She said that women in India would not remain silent unless they were given their proper due.

**1st. APRIL:**—To-day's debate reached a high level and *Mr. C. Y. Chintamani*, leader of the Opposition, spoke for 19 minutes. His speech was regarded by all sections of the House as one of the best speeches he ever delivered on the floor of the Council House.

The only supporter of the White Paper scheme was *Mr. K. B. Hafiz Hidayat Hussain*, a delegate to R. T. C. who in spite of all his eloquence left the House unconvinced about the proposals embodied in the White Paper.

*Mr. Ramcharan*, a nominated member from the depressed classes, said he would be lacking in his duty if he would say that the White Paper scheme satisfied his community. He endorsed all the criticisms made of the White Paper by members of the Council and said that classification of the depressed classes had given them a rude shock.

*Nawabzada Liakhtalikhan*, Deputy President of the Council, criticised the scheme in details and said that Provincial Autonomy to him without responsibility was unthinkable, a misnomer and travesty of language. Concluding, he complained that representations of Zemindars on the Lower House was not adequate.

*Mr. C. Y. Chintamani* denounced the White Paper proposals at great length and quoting extracts from the recent debate in the House of Commons said that the position had none the more improved. He concluded by saying that the White Paper scheme was an insult for England to offer and an insult for India to accept.

After the discussion of the White Paper had concluded, *Mr. C. Y. Chintamani*, leader of the Opposition, paid glowing felicitation to the Nawab of Chhattari, Home Member, on his exalted elevation to the Governor's post, with which leaders of other parties, the Finance Member, the Leader of the House and the President, associated themselves.

The *Nawab of Chhattari* who was greatly moved thanked the House for what they said about him and hoped that he would get the same co-operation in future.

The President then adjourned the Council *sine die*.

# THE N. W. FRONTIER LEGISLATIVE COUNCIL

## LIST OF MEMBERS

- |  |  |
|--|--|
| 1 THE HON'BLE KHAN BAHADUR,<br>KHAN ABDUL GHAFUR KHAN,<br>OF ZAIDA. ( <i>President</i> ) | 20 GHULAM HAIDER KHAN, KHAN                              |
| 2 THE HON'BLE KHAN BAHADUR<br>NAWAB SIR ABDUL QAYUM<br>KHAN ( <i>Minister</i> )          | 21 GHULAM HASSAN ALI SHAH<br><i>alias</i> HASSAN GUL PIR |
| 3 THE HON'BLE MR. CLAUD HENRY<br>GIDNEY ( <i>Executive Member</i> )                      | 22 KHAN HIDAYATULLAH KHAN                                |
| 4 THOMSON, MR. J. S.   | 23 KHAN HABIBULLAH KHAN                                  |
| 5 HOPKINSON, MR. A. J.   | 24 HAMIDULLAH KHAN, KHAN<br>BAHADUR NAWAB                |
| 6 ADAM, MR. J. H.  | 25 ISHER DAS, RAI BAHADUR LALA,                          |
| 7 RAI BAHADUR CHUNI LAL  | 26 KARAM CHAND, RAI BAHADUR                              |
| 8 KHAN SAHIB QAZI MIR AHMED  | 27 KHUDA BAKHSH KHAN, MALIK                              |
| 9 ALLAH NAWAZ KHAN NAWABZADA   | 28 LADHA RAM, LALA                                       |
| 10 KHAN GHULAM RABBANI KHAN,   | 29 MUHAMMAD ZAMAN KHAN,<br>KHAN SAHIB                    |
| 11 HASSAN ALI KHAN, SULTAN,<br>KHAN SAHIB, OF BOI  | 30 KHAN MUHAMMAD ABBAS KHAN                              |
| 12 KHAN MALIK-UR-RAHMAN KHAN<br>KAYANI   | 31 MUHAMMAD SHARIF KHAN,<br>ARBAB                        |
| 13 NARINJAN SINGH BEDI, BABA   | 32 MUHAMMAD AYUB KHAN, MR.                               |
| 14 KHAN ABDUL GHAFUR KHAN  | 33 MEHR CHAND KHANNA, RAI<br>SAHIB, LALA                 |
| 15 ABDUL QAYUM KHAN, MR  | 34 NUR BAKHAH, MAULVI                                    |
| 16 ABDUR RAHMAN KHAN, ARBAB  | 35 PIR BAKHSH, Mr.                                       |
| 16 KHAN ABDUL HAMID KHAN,<br>KUNDI   | 36 RAJAH SINGH, SARDAR                                   |
| 18 ABDUR RAHIM KHAN, KUNDI,<br>KHAN BAHADUR  | 37 ROCHI RAM, RAI SAHIB LALA                             |
| 19 BAZ MUHAMMAD KHAN, KHAN<br>BAHADUR, NAWAB   | 38 SULTAN MUHAMMAD KHAN,<br>KHAN BAHADUR                 |
|  | 39 SAMUNDUR KHAN, MR.                                    |
|  | 40 TAJ MUHAMMAD KHAN, KHAN<br>BAHADUR                    |

*BUDGET SESSION.—PESHAWAR, 9th. to 25th. MARCH 1933.*

### Financial Statement for 1933-34.

The Budget Session of the N. W. Frontier Legislative Council opened its session in the Victoria Memorial Hall, Peshawar on the 9th. March 1933. The Hon'ble C. H. Gidney, Finance Member, presented the Budget for 1933-34. Reduction of the police expenditure by half-a-lakh and fresh expenditure of Rs. 1½ lakhs for the expansion of beneficent activities, in addition to Rs. 30,000 spent during the current year on water-supply scheme, were the two salient features of the Budget. The Member observed that there had been no recrudescence of Civil Disobedience, and the Province had settled down with a determination with very few exceptions to work the Reforms and draw the best from them. Not only therefore had it been found possible to make the expected reduction in the temporary additional Police, but also to make it considerably earlier than was at first thought feasible. The times were still hard and the Government perhaps might, without undue conceit, take to itself a measure of credit in not only having balanced its budget, but in having been able to devote by no means an inconsiderable sum for the expansion



of its beneficent activities. Referring to the present Budget estimates, Mr. Gidney said that 1932-33 was expected to close with a balance of Rs. 10,99,000 or Rs. 1,42,000 more than was budgeted for. The present year's budget provided for an expenditure of Rs. 2,50,000 for the new Council hall and Secretariat buildings. Of this only Rs. 1,13,000 was likely to be spent before the close of the present year. The Finance Member feared that the forecast of irrigation receipt would not be realised, and would fall short of the budget estimates by Rs. 2 lakhs. This would be set off by the two unexpected wind-falls of an increase of Rs. 1,24,000 under Excise receipts due chiefly to the recovery of arrears of duty from the Punjab Government, and the saving of rupees  $\frac{1}{2}$  lakhs in the police budget.

Turning to the Budget estimates for 1933-34, the Hon. C. H. Gidney said : Revenue is estimated to produce Rs. 1,65,25,000, while expenditure is estimated at Rs. 1,69,14,000 or an excess of expenditure over revenue of Rs. 3,89,000. The closing balance at the end of the next year will therefore be reduced from Rs. 10,98,000 to Rs. 7,09,000. The estimated expenditure for 1933-34 includes a sum of Rs. 2,39,000 for items of new expenditure, namely, restoration of the five per cent pay cut, annual increments, expansion of roads, construction of bridges and other activities of the education, medical and agricultural departments. The restoration of the salary cut accounts for an increase of Rs. 1,60,000 over the current year's revised estimates. The annual increments are responsible for further increase of Rs. 1,25,000. There is also an increase of Rs. 6,300 under Civil works, which is due chiefly to budget estimates for 1933-34 providing Rs. 3,15,000 for expenditure on roads to be financed from the road development fund as against Rs. 1,65,000 in the revised estimates for the current year. The increase of Rs. 1,50,000 on this amount is however counter-balanced by the decrease under establishment charges owing to the fact that from the next year, civil works will be carried out by the new Public Works Department of this Province, and not by the military engineering service as hitherto. The decrease in revenue is due to a drop of Rs. 1,29,000 under "Excise" and Rs. 2,62,000 under "Forests." These decrease will be partially counter-balanced by an increase under "Irrigation" and "Civil Works" of Rs. 1,03,000 and Rs. 1,50,000 respectively.

The Finance Member, in conclusion, regretted that some beneficent schemes had to be ruled out for the present, as the subvention still stood at the economy figure of one crore and the provincial revenue provided very little for expansion, which could only be sought either in more prosperous times or in new taxation to which the Government did not propose to have recourse at present. (Applause).

#### HARIPUR JAIL DISTURBANCES

*Malik Khuda Baksh's* adjournment motion raising a discussion on the treatment of prisoners in Haripur Central Jail was disallowed, as a resolution for the appointment of a committee of non-official elected members of the House to enquire into the Haripur Jail disturbances was admitted and fixed for the 25th March.

*Rai Sahib Mehrchand Khanna's* adjournment motion to raise a debate on the exclusion of Indians from bungalows in the Peshawar Cantonment was disallowed, the question being held as one not being the concern of the Governor-in-Council.

#### COLLECTION OF ARMS FROM BANNU CITIZENS

**10th. MARCH:**—The Council held a short sitting to-day when supplementary demands in respect of the Irrigation, Public Health, Pensions etc., were granted. The Council then adjourned till the 13th.

#### General Discussion of Budget

**13th. MARCH:**—The general discussion on the budget was opened to-day by *Malik Khuda Baksh Khan*, Leader of the Independents. The Government had stated that they yielded to none in their desire to ameliorate the conditions of the people and relieve the economic distress. But the resolution for remission of fifty per cent of the revenue passed by a majority in the last session had hitherto not been given effect to. They had been trying to help the administration, but the Government were unresponsive. He attacked the corruption in the revenue and forest departments. The speaker complained that no meeting of the Reserved Subjects Committee was held during the past year, the Government taking decisions behind the back of the House. Referring to administration of jails the speaker said that prisoners were not treated like human beings. The speaker urged the allotment of one day for the discussion of the White Paper after the publication, as rumours were afloat that the

Frontier would be treated on a different footing in respect of transfer of Law and Order. He attacked the restoration of the salary cut, and said that the Publicity Department is superfluous.

*Mr. Ghulam Rabbani* (Progressive Party) viewed with satisfaction the reduction in police expenditure, and the increased expenditure on beneficent activities. He commended the proposal for a high school for girls, but deplored that steps had not been taken to make the curriculum of studies more comprehensive in the primary stages. He was disappointed with the budget as it did not contain any proposal for the conversion of the Islamia College, Peshawar, into a residential University. He refuted the allegations against the Publicity Department which he thought, was essential for the dissemination of good literature.

*Peer Bakhsh Khan* (Independent) laid stress on the need for a subvention. He also urged representation of the province on the Joint Select Committee. Speaking on amalgamation of the Public Works Department with the Irrigation Department, the speaker said that the scheme had already failed in the Punjab. He criticised the Government's action in reaching a decision without consulting the House and thought that the proper method would have been to bring a motion for amalgamation of those departments before the House. *Pier Bakhsh* criticised the Government policy confining persons to their Mohallas under the Public Tranquillity Act, as such a policy would not restore confidence in the public mind.

*Mr. Ishwardas* (Minorities Party) said that the budget was similar to the pre-reform budgets, and was not calculated to ameliorate the economic condition of the masses. He attacked the heavy administrative expenditure in the face of the very little potentialities for development of the revenue resource. The Government had done nothing to introduce improved means of cultivation or to develop Industry and Commerce.

*Nawab Sadulla Khan* (Liberal Party) urged remission of land revenue, suggesting that a committee should go into the economic grievances of zamindars. He advised postponement of the construction of new buildings to give relief to the agriculturists. The Council then adjourned.

**14th. MARCH:—**Resuming the Budget (discussion to-day *Mr. Mahomed Abbas Khan* (Liberal) said that if the railways and P. W. D. could be induced to use wood instead of imported cement etc., there was considerable scope for development of the income from forests.

*Mr. Rochiram* (Minorities Party) drew a sad picture of agriculturists in his constituency and demanded improvement of the means of irrigation in the driest part of the province.

*Mr. Thomson*, Revenue Commissioner, defended the Excise Department's activities in connection with the prevention of smuggling opium etc. from Afghanistan and other countries. Referring to revenue remission, *Mr. Thomson* said that it would benefit the small landholders very slightly, while large landholders had not much to complain and he assured the House that the Government would do everything to assist Dera Ismail Khan.

*Mr. Noorbaksh* (Progressive) demanded that the jail administration should be made commercially self-supporting and sufficient.

*Mr. Abdul Rahiman Khan*, Deputy President, wanted the Government seriously to ponder over the critical question of revenue remission. He demanded a change of heart by Indianising Executive appointments.

*Mr. Gidney*, Finance Member, replying to the debate, said that the constructive suggestions made, would receive the attention of the Government. The limited resources at present available, precluded them from apportioning large sums for beneficent activities for which two lakhs had been set aside in the Budget, 65 per cent for the Transferred and 35 per cent for the Reserved departments. He assured the House that at the revision time an increase of the subvention would be pressed. Defending the restoration of half the cut in the salaries of the provincial services, *Mr. Gidney* said it was meaningless not to restore the cut when the Government of India had given relief to their employees. Excepting the restoration of the cut and increments, there was no increase in the administrative expenditure. Referring to the revenue remission, the Finance Member said that during 1931, five annas in the rupee were remitted for wheat and in 1932 four annas in the rupee for sugarcane. He hoped for better times, and asked the members to indulge in the virtue of self-help and to resolve to invest their money in the province, thereby, developing industry and commerce and increasing the revenue of the Government. As Home

Member, Mr. Gidney paid a tribute to the good sense of the people resulting in the saving of 3½ lakhs in the estimates for the police. The Council then adjourned till the 17th.

#### VOTING ON BUDGET GRANTS—LAND REVENUE DEMAND

**17th. MARCH:—**The Council began the voting on Budget demands to-day.

*Mr. Gidney*, Finance Member, moved that Rs. 3,21,000 be granted to the Governor in-Council to defray charges for next year in respect of land revenue and stamps.

*Mr. Abdul Gafoor Khan*, on behalf of agriculturists, referred to the damages to the crops resulting in a heavy reduction of agriculturists' income. The Government were not prepared to grant relief despite the resolution recommending a 50 per cent reduction of revenue adopted by the Council at the last session.

All sections of the house, Liberal, Progressive and Minorities joined in the demand. *Malik Khuda Baksh Khan* referred to the unsatisfactory nature of land records and said that corruption among Patwaris resulted in unnecessary litigation.

*Mr. Thomson*, Revenue Commissioner, met the criticism by saying that the Government would look into specific cases of alleged corruption, if they be brought to their notice. Supervising officers were exercising closer control, but they could not be expected to go beyond the rules laid down by the department. Referring to the resolution for a fifty per cent reduction in revenue, *Mr. Thomson* said that the Government did not ignore it, but the present finances made it impossible for them to accept it. In the grant of remission for sugar cane, the Government had taken into account the low prices and the damage to the crops.

*Nawab Sir Abdul Quayum Khan*, Minister, said that both sides of the House agreed on the distressing plight of the zaminders, and he suggested the appointment of a committee to look into the facts and figures to remove the misgivings that Government were not in earnest in their endeavours to alleviate the distress.

*Mr. Gidney*, Finance Member, replying to the debate, said that the province had been passing through unprecedented turmoil for two years, and the Government were doing their level best to recover from its adverse effects, and were determined to improve the administration of the Revenue department.

*Mr. Gidney* assured the House that the representations made to His Excellency the Governor during his tour had not fallen on deaf ears. As for a reduction of fifty per cent, he asked the House to look at the problem from the practical viewpoint as it was impossible to go beyond the reasonable limits of a temporary reduction, in the absence of alternative suggestions for taxation. He sympathised with the agriculturists in their distress, and regretted that limited financial resources did not allow them to go further.

Despite these assurances, Independents pressed the motion to a division, which was lost by 23 against 9 votes.

#### DEMAND UNDER EXCISE AND REGISTRATION

The Minister's demand of Rs. 1,01,000 in respect of Excise and Registration was under discussion, when the House adjourned.

**18th. MARCH:—***Mr. Habibullah Khan* (Independent) moved for the total rejection of the Minister's demand. Several speakers imparted a moral tinge to the discussion, by pointing out that religion urged the total prohibition of intoxicants.

*Mr. Thomson*, Revenue Commissioner, defending the Excise policy, recalled his remarks during the general discussion on the budget, and stated that Government's policy was to restrict consumption, by making it expensive. Total prohibition had failed in China and America, and would not succeed in India.

*Mr. J. H. Adam*, Inspector-General of Police, agreed that intoxicants were condemned by all religions, and said that the imposition of a heavy duty was a simple procedure whereby the actual persons disregarding the dictates of religion paid a penalty automatically.

*Mr. Ishardas* (Minorities Party) declared: "We cannot offer co-operation at the sacrifice of religion."

*Nawab Sir Abdul Quayum Khan*, Minister, agreed as to the imperative necessity for the eradication of the evil, and said that to that end, only three courses were open, namely, social reforms, of which there was little, a heavy duty and total Prohibition. He declared: "Unless you have an inner feeling of respect for religion, civil law is not going to help you." He expressed the fear that the



Opposition would ultimately protest against Prohibition, as an interference with Religion. As a practical man he warned the Muslim members against being unfair to other communities. He strongly opposed the motion.

*Malik Khuda Baksh Khan*, Leader of the Opposition, recalled the events of the last year, when the total grant was rejected, but Government had ignored the almost unanimous verdict of the House. He accused the British Government of encouraging the use of intoxicants, which were conspicuous by their total absence in India before British Rule, and supported Prohibition.

*Mr. Noor Baksh*, opposing the motion, passed reflections on the Press and could only be restrained from doing so, after a ruling of the President on a point of order raised by the Leader of the Opposition, that the remarks were uncalled for.

The motion was pressed to a division and lost by 18 against 16. The Minister's demand was passed. The Council then adjourned till the 20th.

#### DEMAND FOR FORESTS

**20th. MARCH :—**The Council concluded the grants for Forests, Irrigation, Central Administration and Justice which were passed without any discussion.

In respect of the Minister's demand for Rs. 3,45,000 for Forests, a cut of five rupees was moved by *Mr. Abdul Quayum Khan* (Independent), leading to a prolonged debate.

*Rai Sahib Mehrchand Khanna* bitterly complained of inadequate representation of minorities in the department, and pleaded for the Minister's co-operation with the minorities, by taking them into his confidence.

*Mr. Gholam Rabbani Khan* (progressive), on the other hand, alleged that over fifty per cent of the forest guards and the rangers and the majority of the clerks of the department belonged to the minority communities.

*Nawab Sir Abdul Quayum Khan* assured the House that the genuine grievances of the Opposition were being fully considered by the Government who were prepared to appoint an enquiry committee as suggested by the mover of the "cut". Assuring the minorities he said that their interest was not so unsafe as *Mr. Mehrchand Khanna* imagined, nor was the Minister so obstinate as others thought. He commended the suggestion for starting a match factory in Hazara.

In view of these assurances, the "cut" was withdrawn and the demand was passed.

#### DEMAND FOR JAILS

The House next proceeded to discuss the demand for Rs. 9,09,000 moved by *Mr. Gidney*, Finance Member, in respect of jails and convicts settlements.

*Mr. Abdul Ghafoor Khan* (Independent) moved for a cut of five rupees to raise a debate on the ill-treatment of prisoners in the Frontier jails.

*Malik Khuda Baksh Khan*, Leader of the Opposition, enumerated the specific cases of alleged ill-treatment and outlined the general grievances of the prisoners related to him by the prisoners themselves during his visits to jails.

*Mr. Noor Baksh Khan* linked the jail riots with the weakness of Superintendents, and pleaded for the appointment of a strict disciplinarian with stronger powers.

*Lt.-Col. Brierley*, the Inspector-General of Prisons, stated that he fully realised public alarm at the recent incident both in Dera Ismail Khan and the Haripur Jails, and assured the House that he likewise had been put to a great alarm and despondency. Irresponsible and ignorant people who had been dragged into the field of politics and taught to disobey authority, carried to the jails the same contagious germs. "Red Shirts" could not be induced to stick to the declared policy of non-violence. They disregarded jail discipline and refused to do the task allotted. Hunger-strike was a direct defiance of jail rules. Since 1st March there had been no disturbances in jails and work was going on smoothly. *Lt.-Col. Brierley* assured the House that they had done their best to keep discipline and at the same time satisfy the reasonable demands of the prisoners and the public generally. Mentioning the specific case of Mahomed Akram, who had been flogged, he said that the prisoner was the ringleader in one of the most dangerous riots that ever occurred in the Frontier jails. In Haripur, he was the brain behind a carefully planned riot that did not materialise.

The guillotine was applied by the President when *Lt.-Col. Brierley* was speaking. The cut motion was pressed to a division and rejected by 24 against 8 votes. The Council then passed the remaining 17 demands under various heads and adjourned till the 22nd.

## REPEAL OF THE FRONTIER REGULATIONS

**22nd. MARCH :—**The Council passed to-day the resolution of *Mr. Abdul Ghaffoor Khan* (Independent), recommending to the Governor-in-Council to repeal the Frontier Crimes, Safety and Security Regulations. The mover said that the Naimatullah Committee came to the conclusion that these laws were not beneficial and recommended their repeal, while the Security Regulation was not required in view of the Public Tranquillity Act. To justify in letter and spirit the constitutional elevation of the Province, he pleaded for the repeal of these regulations.

Speakers from all sections of the House condemned the regulations as out of date.

When the President called on *Mr. Abdul Ghaffoor Khan* to move his resolution *Malik Khuda Baksh Khan*, Leader of the Opposition, raised a point of order, requesting the Chair to allow the House to resume discussion on the resolution of *Peer Bakhsh Khan* recommending amnesty to political prisoners. *Mr. Khuda Baksh Khan* quoted the precedent of *Rai Saheb Mehrchand Khanna's* resolution regarding the establishment of girl's schools which was pending from Abbottabad session and discussion on which was allowed by the President during the autumn session in Peshawar.

*Qazi Mir Ahmed Khan*, Legal Remembrancer, said that no precedent could override law.

The President, agreeing with the Legal Remembrancer, over-ruled the point of order, saying that the resolution had lapsed in view of the prorogation of the session.

The House proceeded to discuss *Abdul Ghaffoor Khan's* resolution. Several speakers from the Liberal, Independent and Minorities Parties supported the resolution, condemning jirga system.

*Mr. Gidney* said that the Government welcomed the resolution as they wanted to give the members an opportunity to express their views as promised by the Viceroy when he announced the suspension of the Frontier Crimes Regulation for one year at the time of the introduction of the Reforms last year and secondly to enable the Government to be in possession of the views of the public through their chosen representatives. *Mr. Gidney* said that the Frontier Security Regulation lapsed in March 1931, and had not been renewed. The Frontier Safety Regulation was enacted to replace the martial law imposed in Peshawar in 1930, and was applied for six months only and had not been renewed. The suspension of the Crimes Regulation was due to terminate in May next when the position would be reviewed in the light of the administrative reports of the Judicial Commissioner and the Inspector-General of Police. There was no cause for the fear that Government would reapply the regulation. He told the nominated members that they could freely express their opinion, but the Government would not take part in the debate.

*Nawab Sir Abdul Qayum Khan*, expressing his opinion as an elected member of the House, said that the statement of the Leader of the House, that the Government did not intend re-applying the regulation without considering the administrative reports should have satisfied the mover regarding Government's intentions.

Hints were thrown by several non-official members during the course of the debate for the withdrawal of the resolution in view of the statement of the Leader of the House, but Independents proved adamant.

After a prolonged debate, in which most of the speakers condemned the regulation, the House passed the resolution and adjourned.

## THE ANTI-PROSTITUTION BILL

**23rd. MARCH :—**The Council referred to select committees two non-official bills, namely, *Peer Bakhsh Khan's Anti-Prostitution Bill* and *Mr. Mehr Chand Khanna's Bill to prevent juveniles from smoking*.

*Peer Bakhsh Khan* (Independent) moving for the consideration of the Anti-Prostitution Bill, said that it was placed before the House in the first session at Abbottabad. It could not be proceeded with in the Autumn session in Peshawar as the previous sanction of the Governor-General had not been obtained but now sanction had been got. The Bill was intended to empower municipalities in the Frontier to prohibit the keeping of brothels and the residence of prostitutes. A few years ago the inhabitants of Bannu and Kohat resorted to direct action. In Peshawar in 1931, picketing was resorted to by Khilafatists. To-day, there existed a strong feeling. The Bill proposed summary trials. General bad reputation was to be taken as evidence.

*Kazi Meer Ahmed Khan*, Legal Remembrancer, moving for the reference of the Bill to a select committee, said that it was not the intention of the Government to put obstacles to the progress of the Bill, but they wanted a select committee to carefully examine the opinions already elicited. He said that the report of the select committee would be placed before the House at the next session.

Several speakers agreed with the principles underlying the Bill, but pleaded for modifications regarding summary trials and hearsay evidence.

*Mr. Thomson*, Revenue Commissioner, supported the reference of the Bill to a select committee, which would carefully scrutinise the opinions elicited in view of the important changes sought to be made in the Indian law of evidence.

*Nawab Sir Abdul Qayum Khan* said that the Bill was practically accepted by all sections of the House. The controversy centred round the delay which was inevitable in matters of social reform.

The Independents, some Liberals and a few members of the Progressive Party urged that the Bill be disposed of in the current session and that the select committee should begin its deliberations forthwith.

Replying to the debate, *Peer Baksh Khan*, the mover, said that there was no obvious reason for delaying the passage of the measure, as opinions so far elicited, favoured the Bill.

The motion for a select committee was carried by the casting vote of the President.

#### BILL TO PREVENT SMOKING BY JUVENILES

*Rai Saheb Mehrchand Khanna* then introduced his Bill to prevent juveniles from smoking. The Rai Sahib said that medical opinion was against smoking by juveniles as it was one of the predisposing causes of tuberculosis. The Bill imposed the penalty of a fine on those selling tobacco to children. The mover referred to the fact that such a measure already existed in the Punjab.

The introduction of the Bill was opposed by *Noor Baksh* as in his opinion, administrative difficulties stood in the way. The Punjab Act had already proved ineffective.

*Mr. Gidney*, Leader of the House, explaining the attitude of the Government said that if a real demand existed, the experiment might be tried, but as far as information was available, it was doubtful whether the Punjab Act had proved effective and workable.

Leave for introduction having been granted by the House, *Mr. Mehrchand* moved for reference of the measure to a select committee, to report before Autumn.

The House accepted the motion, and adjourned.

#### Debate on the White Paper

**24th. MARCH:—**The Council discussed the White Paper to-day on the motion of *Mr. Gidney*, Leader of the House, who observed that the views of the Council would be forwarded to the Secretary of State.

*Peer Baksh Khan*, on behalf of the Independents, expressed general dissatisfaction with the White Paper proposals, particularly the Ordinance-making powers of the Governors, reservation of Defence and External Affairs and the limitations placed on the Powers of the Finance Minister. Referring to the proposed Federation, he said that the fulfilment of the conditions precedent was a remote possibility. *Peer Baksh Khan* urged that the subvention be made a statutory charge on the central revenues and regretted the injustice done to Baluchistan.

*Mr. Ishardas* (Leader of the Minorities Party) in a carefully balanced speech, expressed satisfaction at the over-generous treatment meted out to the Frontier Province saying that their representation in both Houses of the Federal legislature was more than generous. *Mr. Ishardas* referred to the significant omission of the words "Dominion Status", which should be definitely incorporated in the preamble of the Constitution Act as the defined policy of the British Government. He suggested that the accession of only those States to the Federation should be accepted in which the standard of administration was on a par with that in the British Indian Provinces. Criticising the reservations and safeguards, *Mr. Ishardas* said that there was no indication in the White Paper when and how they would cease. He objected to a statutory Railway Board, as an indication of mistrust in the capacity of the future Ministers. The speaker concluded by saying that the control of future entrants to the services should not be vested in the Secretary of State.



*Ghulam Rabbani Khan* (Progressive) saw through the pages of the White Paper the intentions of the British Government to deliver the goods to those who were prepared to receive them and termed the White Paper as a blank cheque to be filled by them to their best advantage.

*Abdul Rahim Khan* (Deputy President) said that the White Paper, in effect, was a blank paper which constituted little advance on the present position. If the Indian States joined Federation, why not tribal territory? The speaker alleged that the White Paper was wholly intended to satisfy the Churchill group and regretted the injustice done to Baluchistan.

*Rai Sahib Mehr Chand Khanna* pleaded for a representative of the minorities being included in the Frontier Provincial Cabinet.

*Noor Baksh Khan* said that if the Cabinet be composed only of two Ministers, the minorities who formed five per cent of the population should not expect a fifty per cent share.

*Nawab Sir Abdul Quayum*, Minister, as a delegate to the R. T. C., explained that if they had been unable to achieve what they had desired, the responsibility rested on their own shoulders, and referred to the break-down of the communal negotiations over one Sikh seat during the second R. T. C.

The Council then adjourned.

#### MINORITIES & FUTURE PROV. CABINETS

**25th. MARCH :—***Rai Sahib Mehrchand Khanna* moved a resolution recommending to the Governor-in-Council to convey to the British Parliament through the Prime Minister and the Secretary of State for India "that it was the considered opinion of this House that, in the coming Constitution, adequate representation should be assured for the minorities in the Cabinet".

*Mr. Gidney*, Leader of the House, intimated the Government's intention not to intervene in the debate.

*Mr. Mehr Chand Khanna* based his case on two points, namely, the abolition of the post of Sanskrit teacher in the Government High School, Peshawar, and the question of a Grant to the Vedic College, Dera Ismail Khan.

*Mr. Ishardas* (Minorities Party) wanted three Ministers in the future Cabinet, one of whom should belong to the minorities.

*Messrs. Ladharm and Rochiram* supporting the resolution concentrated their attack on the education policy pursued in the province. *Mr. Rochiram* declared that they were determined to wreck the new constitution unless they got their due share.

*Mr. Ghulam Rabbani* (Progressive) deplored the unnecessary communal outbursts on petty affairs at frequent intervals, which lowered them in the eyes of the world. If a minority candidate commanded the confidence of the House, he was bound to be included in the Cabinet.

*Khuda Bakhsh Khan* (leader of the Independents), regretting the communal skirmishes, observed that the resolution tabled was the very negation of the recognised principle that was being included in the new constitution from British traditions, that persons commanding the biggest following should be in the Cabinet.

*Nawab Sir Abdul Quayum*, Minister, replying to the criticisms, said that the abolition of the Sanskrit teacher's post was a long-standing question even before he assumed office, but he assured the House that the position would be reviewed if the number of students increased. The Minister regretted the attitude of the Hindu members, virtually amounting to opposition, to reform for the Frontier.

*Noor Bakhsh Khan*, replying to the statement that the minorities of the province contributed a substantial portion of the revenue, said that the contention was unfounded. The tax that the minorities paid, was extracted from the consumers.

*Mr. Mehr Chand Khanna*, replying to the debate, admitted that the Muslim majority in the Council was being reduced from 92 per cent to 72 per cent, and expressed his intention to withdraw the resolution as he had ventilated his grievances. But the House refused leave, and the resolution was put to vote and carried.

Earlier in the day, the Council unanimously passed a resolution recommending educational expansion in rural areas by giving effect to the report of the Primary Education Committee.

The Budget Session then concluded and the House adjourned *sine die*.

# THE B. & O LEGISLATIVE COUNCIL

## LIST OF MEMBERS

**President:— The Hon'ble Babu Nirsu Narayan Sinha**

- |   |   |
|---|---|
| 1 THE HON'BLE RAJA RAJENDRA NARAYAN BHANJA DEO, OF KANIKA ( <i>Executive Member</i> ) | 41 BABU MAHESHVARI PRASHAD NARAYAN DEO        |
| 2 THE HON'BLE MR. J. T. WHITTY ( <i>Executive Member</i> )                            | 42 BABU JAGDEV PRASHAD SINGH                  |
| 3 THE HON'BLE KHAN BAHADUR SAIYID MUHAMMAD HUSSAIN ( <i>Minister</i> )                | 43 BABU SARDANANDA KUMAR                      |
| 4 THE HON'BLE SIR GANESH DUTTA SINGH ( <i>Minister</i> )                              | 44 BABU RAMASRAY PRASHAD CHAUDHURI            |
| 5 MR. P. C. TALLENTS  | 45 BABU HAREKRISHKA CHAUDHURI                 |
| 6 MR. J. W. HOULTON   | 46 BABU SRI NARAYAN MEHTHA                    |
| 7 MR. H. C. PRIOR   | 47 BABU RAMESHVAR PRASHAD SINGH               |
| 8 MR. G. E. OWEN  | 48 MR. SAIYID MUHAMMAD ATHAR HUSSAIN          |
| 9 MR. B. K. GOKHALE   | 49 SIR SAIYID MUHAMMAD FAKHR- UDDIN           |
| 10 MR. A. C. DAVIES   | 50 KHAN BAHADUR ABDUL WAHAB KHAN              |
| 11 MR. H. A. GUBBAY   | 51 MR. SAIYID MOIN-UD-DIN MIRZA               |
| 12 MR. F. A. BETTERTON  | 52 KHAN BAHADUR HAJI MUHAMMAD BUX CHAUDHURI   |
| 13 MR. G. E. FAWCUS   | 53 MAULAVI ABDUL AZIZ KHAN                    |
| 14 MR. G. F. PECK   | 54 BABU KATYAN SINGH                          |
| 15 MR. E. C. ANSORGE  | 55 RAI BAHADUR HALDHAR PRASHAD SINGH          |
| 16 MR. J. A. HUBBACK  | 56 BHAIYA RUDRA PRATAP DEO                    |
| 16 BABU SHIVA SHANKAR JHA   | 57 BABU SHYAM NARAYAN SINGH SHARMA            |
| 18 BABU GURSAHAY LAL  | 58 RAI BAHADUR SARAT CHANDRA ROY              |
| 19 MR. J. THOMAS  | 59 RAI BAHADUR LAKSHMIDHAR MAHANTI            |
| 20 MR. W. H. MCKERROW   | 60 RAI HARIHAR DAS                            |
| 21 MR. J. A. MCKERROW   | 61 RAI BAHADUR LOKNATH MISRA                  |
| 22 RAJA BAHADUR HARIHAR PRASHAD NARAYAN SINGH   | 62 BABU BARJAMOHAN PANDA                      |
| 23 MR. A. E. D'SILVA  | 63 BABU BIRABAR NARAYAN CHANDRA DHIR NARENDRA |
| 24 REV. BRAJANANDA DAS  | 64 BABU SHIB CHANDRA SINGHA                   |
| 25 RAI BAHADUR KEDAR NATH   | 65 BABU DEVENDRA NATH SAMANTA                 |
| 26 MR. R. CHANDRA   | 66 BABU RAMESHWAR PRATAP SAHI                 |
| 27 KHAN BAHADUR SHAH MUHAMMAD YAHYA   | 67 BABU BADRI NARAYAN SINGH                   |
| 28 BABU BIMALA CHARAN SINGH   | 68 BABU RUDRA PRATAP SINGH                    |
| 29 RAI SAHIB SRI BALLABH DAS  | 69 BABU BISHUNDEO NARAYAN SINGH               |
| 30 BABU RAM NARAYAN   | 70 MAULAVI KHALILUR RAHMAN                    |
| 31 RAI BAHADUR RAM RANVIJAYA SINGH  | 71 MAULAVI MUHAMMAD ABDUL GHANI               |
| 32 RAI BAHADUR HARENDRA NATH BANERJI  | 72 MAULAVI SHAIKH MUHAMMAD SHAFI              |
| 33 BABU JOGENDRA CHANDRA MUKHARJI   | 73 KHAN BAHADUR HABIBUR RAHMAN                |
| 34 MR. SAGRAM HEMBROME  | 74 MAULAVI ABDUL WADOOD                       |
| 35 MR. GARBETT CAPTAIN MANKI  | 75 MAULAVI MUHAMMAD HASAN                     |
| 36 MAHANTH MANMOHAN DAS   | 76 KHAN BAHADUR SAGHIR-UL HAQ                 |
| 37 BABU RAJANDHARI SINHA  | 77 MR. SAIYID MUHAMMAD MEHDI                  |
| 38 MAULAVI SAIYID MUHAMMAD HAFEEZ   |   |
| 39 RAI BAHADUR DALIP NARAYAN SINGH  |   |
| 40 BABU CHANDRESHVAR PRASHAD NARAYAN SINHA  |   |

78 MAULAVI SHAIKH ABDUL JALIL  
 79 BABU RAMANUGRAH NARAYAN SINGH  
 80 BABU BHAGWATI SARAN SINGH  
 81 Mr. SAIYID ABDUL AZIZ  
 82 BABU GODAVARIS MISRA  
 83 RAI BAHADUR SATIS CHANDRA SINHA  
 84 Mr. KAMALDHARI LALL  
 85 RAI BAHADUR LACHHMI PRASHAD SINHA  
 86 BABU JAGANNATH DAS  
 87 BABU RADHARANJAN DAS  
 88 BABU NIKUNJA KISHOR<sup>u</sup> DAS  
 89 BABU RAJESHVARI PRASHAD  
 90 VACANT  
 91 CHAUDUHRI MUHAMMAD NAZIRUL HASAN  
 92 BABU RADHA MOHAN SINGH

93 BABU RAMJIWAN HIMAT SINGKA  
 94 Mr. SACHCHIDANANDA SINHA  
 95 RAJA PRITHWI CHAND LALL CHOWDRY  
 96 RAI BAHADUR DWARKA NATH  
 97 RAI BAHADUR SHYAMNANDAN SAHAY  
 98 BABU SRIKRISHNA PRASHAD  
 99 BABU JOGENDRA MOHAN SINHA  
 100 BABU RADHA PRASAD SINHA  
 101 MR. NANDA KUMAR GHOSH  
 102 RAI BAHADUR KRISHNADEVA NARAYAN MAHTHA  
 103 BABU LALITA PRASHAD CHAUDHURI  
 104 BABU KUNJA BIHARI CHANDRA  
 105 BABU MANINDRA NATH MUKHARJI  
 106 DR. SAIYID SULTAN AHMAD

WINTER SESSION—PATNA, 16th. JANUARY to 23rd. MARCH 1933

The B. & O. Public Safety Bill

The winter session of the Bihar Council opened at Patna on the 16th. January 1933. The Council on the motion of Mr. *Schchidananda Singh* recorded a sense of profound regret at the death of Sir Ali Imam. The *Raja of Kanika*, leader of the House, and the *President* also joined in the expression of regret in the passing away of the eminent and distinguished Indian and a leading Bihari. Regret was also expressed at the death of Mr. Srinandan Prasad Narayan Singh Sharma, a member of the Council.

The hon. Mr. J. T. *Whitty* introduced the Bihar and Orissa Public Safety Bill and moved its reference to a select committee. The hon. Mr. *Whitty*, moving the reference to a select committee said that as it was apparent in December that the civil disobedience movement had resulted in all this trouble in India and had not been abandoned the Government of India introduced a bill in the Central Legislature to give the Government the necessary powers to deal with it on any similar subversive movement when the Special Powers Ordinance expired. This bill was passed and became law as the Criminal Law Amendment Act of 1932. This Act was intended to strengthen the criminal law applicable throughout India. It was left to the local Government to undertake any special legislation which local conditions rendered necessary. The Bihar and Orissa Government considered it necessary to introduce the Public Safety Bill which would supplement the Act of the Central Legislature in order to meet the local conditions and which would enable the Government to meet the danger of any concerted movement against the public peace. The civil disobedience movement had not been abandoned and no one concerned with it pretended that it had been. It was true they had got lawlessness and defiance of law and order engendered by it in hand because they had had the necessary powers to deal with it. If these powers were withdrawn these dragons would raise their heads again and they would have a recurrence of these attacks on the Government and liberty of its subjects which resulted in violence, bloodshed and destruction of life and property in 1931. The civil disobedience movement encouraged the more desperate and dangerous terrorist and revolutionary movement. There was not the slightest doubt that this had been the case. They had had ample proof of dangerous criminals deeply involved in murder and dacoity which often had a little more motive than personal gain who were accepted as members of the Congress party and used their membership to aid them in their crimes. Any movement which deliberately encouraged lawlessness, whether leaders wished to



restrict its limits or not, must get out of control and they would inevitably see their organisation used by irresponsible agitators and criminals to embark on the troubled sea of violence and crime. It was true there had been vast improvement in the province within last year. Every one must admit this. There was peace and order in places where at one time there was lawlessness and disorder. But lawlessness and disorder was caused by the civil disobedience movement and it was because they had had power to control the movement peace and order had returned. He then cited instances occurring every week showing the determination of the supporters of the civil disobedience movement to carry on the movement and defy the Government. He maintained that every one who had the real knowledge of the facts would agree that as regards their own province, for instance, no law-abiding citizen had suffered any real inconvenience from laws and ordinances which had been wildly described as oppressive and repressive. He added everyone must agree that peace and respect for law were never more needed in India than they were now when plans were being made for the country to take a giant stride forward towards a democratic and popular form of government, probably the greatest step forward that had ever been taken in orderly and peaceful progress towards the new form of government. The additional powers which they proposed to take for this province were not numerous and they were less than those taken in most other provincial legislatures and they were strictly confined to what they considered necessary.

*Mr. Hassan Jan* supporting the motion suggested that the Bill be enacted as a temporary measure and not placed permanently on the statute book.

*Rai Bahadur Dwarkanath* said that the safe remedy did not lie in the ordinances but in the adoption of a policy of concessions and conciliation. Until popular leaders were released from jails there could be no real peace. The provisions of the Bill were drastic and were meant for curtailing the liberties of the people.

*Mr. Godawaris Misra* also maintained there was no justification for the measure.

*Mr. Sachchidananda Sinha*, leader of the Opposition, said the measure was well designed to restrict the liberties of the people. He saw no justification at all for additional measure when the All-India Ordinance enacted by the Central Legislature was also applicable to this province. He asked the Government to see that the Bill was limited to the shortest possible period.

*Mr. Sri Krishna Prasad* said the Bill struck at the root of all constitutional progress. It passed his comprehension why a drastic measure like this was being enacted for all time to come. He asked for placing on the table papers on the working of the Special Powers Ordinance of last year and the correspondence between the local Government and the Government of India on the subject.

The hon. *Mr. J. I. Whitty* replied that confidential papers could not be placed on the table, but he would be glad to give any information in the course of the debate. The hon. *Mr. Whitty* explained the disastrous consequences of the civil disobedience movement and pointed out that the Bill was designed to enable the Government and its successors to meet the danger of any concerted movement prejudicial to the public peace.

*Mr. Bishun Deo Narayan Singh* also opposed the Bill.

*Khan Bahadur Saghirul Haq* suggested that the life of the Bill be limited till the inauguration of the new reformed constitution.

The motion for reference of the Bill to a select committee was passed, 46 voting for and 30 against it.

#### SECOND CHAMBER FOR BIHAR

**17th. JANUARY :—**The Council discussed to-day the resolution moved by the *Raja of Kanika*, Leader of the House, regarding the establishment of a Second Chamber in the Province. After explaining the attitude of the Government on the question, the Raja announced that official members would refrain from voting on the question, and the verdict would be left to non-officials.

*Mr. Lachmi Prasad Singh* and *Mr. Saghirulhaq* opposed the resolution, on grounds of expense and complexity of the legislative machinery.

*Sir Ganesh Dutta Singh*, Minister for local Self-Government, said that democracy in its infancy, was impatient of control, as was a young doctor or lawyer. For adequate and efficient protection of the various interests, including those of landholders, capitalists and the Services, a Second Chamber was essential. Minorities and other interests would not be satisfied unless a safeguard was

provided for them in the new constitution in the form of a Second Chamber, to ensure that they would be fairly treated, especially when they were taking a leap in the dark and experimenting with democracy. When America, which was a Republican country, had Second Chambers, there was no reason why they should not have it here, especially in view of the special and peculiar circumstances of the country. They should not grudge the little expense involved in having a Second Chamber, when it was going to provide for the safety and protection of various interests.

*Rai Bahadur Dwarkanath* said that the apprehensions of the landholders were not justified and he assured them of a fair deal by the future unicameral legislature of the Province. It was not fair to condemn the new House of Commons without giving it a trial. A Second Chamber would be a pernicious institution and against the best interests of the people.

The *Raja Bahadur of Amawan*, supporting the resolution, said that in the initial stage of constitutional development a Second Chamber would conduce to stability and security.

Mr. Radha Prasad Sinha, Mr. Athaur Hussain, Mr. Kalyan Singh, Rai Bahadur Satishchandra Sinha and Mahomed Shafi opposed the resolution.

**18th. JANUARY:—**The debate on the Second Chamber resolution was resumed in the Council to-day.

Mr. Mahomed Shafi said that a Second Chamber would be against the spirit of democracy.

Mr. Harakrishna Chaudhuri, supporting the resolution, said that the Second Chamber would be a safety valve, as was the case in other democratic countries and that without it, democracy would be a failure.

Mr. Bhagwati Saran Singh, supporting the motion, said that a Second Chamber was an essential balance wheel.

*Rai Bahadur Sarat Chandra Roy*, opposing the motion, said that a Second Chamber had serious disadvantages and dangers. The Second Chamber was a constitutional anachronism, and would be a stone-wall against progress.

Mr. S. M. Hafeez said that the popular view was that a Second Chamber would make provincial autonomy a sham by hampering popular legislation. The nervousness of landlords was not justified.

Mr. Srikrishna Prasad, opposing the motion, said that landlords need not be apprehensive of the future unicameral legislature. He assured them that democracy here would not be hasty. In the provincial constitution, there were no functions which a Second Chamber could fulfil.

Mr. Sachchidananda Sinha, Leader of the Opposition, said that so far no public demand had manifested itself in favour of the establishment of a second chamber. He could not understand why the Local Government had changed their opinion now, after having opposed the idea of a second Chamber in their memorandum to the Simon Commission. A Second Chamber would give no relief to the landlords, and it was not to their best interests, as he believed that landlords were capable of defending themselves and did not require protection. Landlords should now learn to depend on the goodwill of the public and trust to the judgment of masses.

Mr. Chandreshwar Prasad Narayan Singh, supporting the resolution, said that every sound constitution should have a check in the form of a second Chamber as it would not be safe to tinker with doubtful democratic experiments without a safety valve to deal with emergencies that might arise.

Rai Bahadur Shyamnandan Sahay, Mr. Bishundeo Narayan Singh, and Mr. Rajandhari Sinha also supported the resolution.

Mr. Godawaris Misra withdrew his amendment suggesting consideration of the question by the next Council.

After a division, the resolution regarding the establishment of a Second Chamber was carried, 39 voting for and 30 against.

#### Financial Statement for 1933-34

**8th. FEBRUARY:—***Raja Rajendra Narayan Bhanja Deo of Kanika*, Finance Member, introduced to-day the budget estimates for 1933-34. In doing so, he said that during the current year, the total receipts expected amounted to Rs. 539 lakhs and the total expenditure to Rs. 10 lakhs. It was expected that the year 1932-33 would close with a balance of 52½ lakhs, 31 lakhs representing the famine relief fund and 14½ lakhs, ordinary balance.

Turning to the budget proposals for 1933-34, the Raja of Kanika said that the principal heads of revenue had shown a slight tendency to improve since the earlier part of the year. He then described the changes which had taken place in Excise Legislation. The auction system had been substituted for the sliding scale system. In order to enlist the co-operation of excise vendors and prevent illicit distillation, prices had been reduced commensurate with the purchasing power of the consumers. The total revenue expected was Rs. 50 $\frac{3}{4}$  lakhs, and the total receipts Rs. 543 lakhs. On the expenditure side, though it had been necessary to provide for 6 $\frac{1}{4}$  lakhs for preparing the new electoral rolls and holding general elections expenditure charge on revenue would be Rs. 522 lakhs, and the total expenditure would be Rs. 558 $\frac{1}{4}$  lakhs. The decision of the Secretary of State to impose a 5 per cent cut in the salaries of officials during 1933-34 had been reached only a few days before, and it had been impossible to incorporate the necessary changes in the budget. The cut in pay would yield further savings of about Rs. 9 lakhs, and allowing for the effect of this factor, the closing balance would be Rs. 46 lakhs.

The Finance Member said that it was necessary to realise that the continuance of a dangerously low level of expenditure, was likely to do irreparable harm to the administration. Without a substantial addition to its revenues the province could not carry on in a manner which would enable the next Government to function. He expressed gratification at the successful outcome of the long struggle for the recognition of the claims of Orissa, and asked the Council to join him in wishing the new province a smooth and successful career and hoped that separation would bring benefits to both the provinces.

#### NON-OFFICIAL BILLS

**9th. FEBRUARY :—**The Council commenced discussion of non-official Bills from to-day. *Rai Bahadur Satish Chandra Singha's* motion for taking into consideration the *Bihar and Orissa Local Self-Government Amendment Bill* was negatived without a division. The mover explained the bill. The Minister *Sir Ganesh Dutta Singh* opposed the bill on the ground that it was unnecessary and experience showed that the proposed amendment would hamper the smooth working of the proceedings of district boards.

Messrs. *Sri Narayan Mahtha, Bhagwati Saran Singh* and *Radha Mohan Sinha* opposed the bill.

*Rai Bahadur Shaymnandan Sahay* next introduced a bill to amend the *Bengal Tenancy Act*.

*Mr. Kalyan Singh* then moved for reference of the *Chota Nagpur Tenure-holders' Rent Account Amendment Bill* to a select committee. He said the object of the amendment was to extend the scope of the Rent Account Act, 1929, with a view to removing the grievances of part-owners of permanent tenures. The Revenue Secretary, on behalf of the Government, opposed the underlying principle of the bill which would seriously endanger the interests of landlords. The motion for reference was negatived.

*Rai Bahadur Satish Chandra Sinha* moved for taking into consideration another *Local Self-Government Amendment Bill* to provide that leave of absence in the case of district boards be granted in writing by the chairman subject to the final sanction of the board. The Minister, *Sir Ganesh Dutta Singh* accepted the point that leave applied for be in writing and orders should be passed thereon by the chairman also in writing and promised to circulate to boards to follow this procedure. But he did not accept the second point of the chairman's permission being subjected to the final sanction of the board. In view of the sympathetic reply of the Minister, the bill was withdrawn.

#### NON-OFFICIAL RESOLUTIONS

**14th. FEBRUARY :—**After prolonged discussion the Council passed by 30 to 29 votes *Mr. Nando Kumar Ghosh's* resolution urging removal of Ranchi, Hazaribagh, Palamau, and Manbhum districts of Chota Nagpur division from the list of backward tracts. The mover said that Chota Nagpur had much advanced educationally and there was no justification for shutting out 80 per cent of non-aboriginal population from further reforms.

*Mr. D'Silva, Rai Bahadur Sarat Chandra Roy, Mr. Devendranath Samanta* and other aboriginal members opposed the resolution on the ground that aborigines forming an important part of the population of the area must have a deter-



mining voice in the matter and they wanted that they should not be deprived of the existing protection they enjoyed.

Messrs. *Kalyan Singh*, *Satish Chandra Singha* and *Manindranath Mukherji* supported the resolution. The Government opposed the resolution.

### The B. & O. Public Safety Bill

**16th. FEBRUARY:—**The Council discussed to-day Hon. Mr. *J. T. Whitty's* motion for consideration of the Public Safety Bill, as reported by the Select Committee. Mr. *Srikrishna Prasad* moved an amendment for recirculation of the Bill for eliciting public opinion thereon. The mover said that drastic powers were contained in the Bill, and therefore, it was desirable to consult public opinion. Without the support of public opinion the Bill would not be effective in achieving its objects. It is impossible to rule the country by Ordinances, and it was essential on the part of the Government to show a change of heart, and wean back persons from the path of non-co-operation to co-operation.

*Rai Bahadur Satish Chandra Sinha* raised a point of order whether the circulation amendment was in order, when no circulation was moved in the introductory stage of the Bill.

The President held the motion in order.

Mr. *Bimala Charan Sinha* and Mr. *Ramnarayan* opposed the amendment.

Hon. Mr. *Whitty*, replying, said that the house had already accepted the principles of the Bill referring it to a Select Committee. The circulation would mean six months' delay which would take away a great deal of the value of the Bill. If special powers to maintain law and order were needed they were needed at once. Civil Disobedience had not yet been abandoned, and law and order was being defied. Even in great constitutional changes, and to bring improvement in economic situation peace was very essential, and the Bill aimed at that.

*Rai Bahadur Dwarkanath* said that there was no emergency for the measure, and the Government would be well advised in consulting public opinion.

Mr. *Sachhidananda Sinha* said that there was no harm in staying the hands, and the Government should consult the High Court and other public bodies.

Mr. *J. Thomas*, representing the Europeans, in his maiden speech said that when new reforms were coming it was necessary to handle the province in peace and maintain law and order. The urgency of the measure was questioned but there was no harm renewing the brakes which they knew were doing useful work. They had sympathies with the people, but the Bill was enacted for the sake of law-abiding citizens.

*Khan Bahadur Yehya* said that already the question of special powers had been discussed fully since the All-India Ordinance was passed, and a similar legislation passed in other provinces, and therefore it was not necessary to circulate the Bill. It was the duty of Government to check Civil disobedience.

Mr. *Tallents*, Chief Secretary, said that it would not be a logical position to take in asking to circulate the Bill for obtaining approval of the public to the principles of the Bill, when the House had already approved the principles of the Bill by sending the Bill to a Select Committee.

The amendment for recirculating the Bill for opinion was rejected without a division.

Mr. *Whitty's* motion for second reading of the Bill was subsequently passed by the Council without a division.

The Council then proceeded with the third reading of the Public Safety Bill and discussed it clause by clause. Mr. *Srikrishna Prasad* moved an amendment to clause one. The amendment sought to limit the period of emergency to one month and if Government wanted to renew the notification of emergency they had to call a special session of the Council which should pass a resolution by majority of three-fifths extending the emergency to any period the members might like. According to the mover the object of the amendment was to keep the Government in touch with public opinion. Mr. *Whitty* opposing the amendment said that it would make the whole act unworkable. The amendment was rejected by 58 votes to 22. Two other amendments by the same member were similarly rejected. The Council had not concluded discussion when the House adjourned.

**17th. FEBRUARY:—**The Council disposed of further clauses of the Public Safety Bill voting all the five clauses so far discussed and rejecting the various

amendments moved by Mr. Srikrishna Prasad. The opposition concentrated their attack on clause 6 and Mr. Srikrishna Prasad moved an amendment proposing deletion of the clause regarding imposition of collective fine on the inhabitants of turbulent areas. The mover Mr. Sachchidananda Sinha and Mr. Dwarkanath said that the clause was sufficiently drastic and should be deleted.

Government maintained that the clause was essential, and was on the basis of joint communal responsibility, a principle obtaining in all civilised countries and the provision was mild as compared with the imposition of additional police tax which would be drastic and in two places where Government imposed small fines it proved effective calming down the situation.

The amendment for deletion of the clause was rejected.

The amendment of Mr. Hafiz for deleting the explanation clause was under discussion when the Council adjourned.

**18th. FEBRUARY :—**The Council passed to-day by 39 votes to 20 the Bihar and Orissa Public Safety Bill as reported by the select committee—an official measure conferring special powers on the Government and its officers for the purpose of maintaining law and order after the various amendments moved by Mr. Srikrishna Prasad were rejected.

Opposing the Bill, Mr. Sachchidananda Sinha, leader of the Opposition, said that the Government should not have armed itself in advance of any prospective free political constitution with a drastic penal legislation which with a view to make subversive movements impossible in future would place in the meantime admittedly serious shackles on the liberties of the subject when there was already on the statute book a draconian Act passed a few weeks back in the Assembly which applied to the province also. No improvement was at all likely to occur in the situation unless the present aggressively repressive policy was completely reversed and replaced by one of sympathy and conciliation accompanied by making the bounds of freedom wide and extensive broad-based on the people's will.

The hon. Mr. Whitty, on behalf of the Government, replied that the Council had already approved of the principles and details of the bill. The Government were justified in their policy because peace was badly needed at present on the eve of the great constitutional change.

After voting various Supplementary demands, the Council adjourned till the 20th

#### GENERAL DISCUSSION OF BUDGET

**20th. and 21st. FEBRUARY :—**The general discussion of the Budget was held on two days. Winding up the discussion on the second day, the *Raja of Kanika*, Finance Member replied to various criticisms. He said that he did not accept the view that administration was too heavy. It was certainly heavier than it was in pre-reform days but that was because so much more work now fell to a modern Government. If they got rid of these men, they could not supply social services and other activities which they performed. To those who accused him of neglecting retrenchment he asked the question whether they could point to any other Government which had reduced its expenditure by more than one-sixth in two years. Replying, regarding the five per cent cut in salaries he said the matter of fact was the new cut coupled with liability of income tax surcharges had the same effect as the graduated cut in the pay. In the highest salaries the new system would give practically no benefit while salaries below income tax level would gain full five per cent. They realised that in their retrenchments they had reduced the expenditure to a level which was well below the bare minimum of subsistence over a term of years.

#### VOTING ON BUDGET DEMANDS—FOREST DEMAND

**6th. MARCH :—**The Council commenced voting on budget demands to-day. *Babu Godawaris Misra* attacked the system of special pay given to forest officers under the forest demand, and moved its total omission. Messrs. Hafeez, Ghani and Sachchidananda Sinha supported the mover.

Government maintained that the system of special pay was necessary and was a cheaper arrangement. The motion was rejected.

*Mr. Godawaris Misra* moved a token out under the forest demand to point out that the existing forest policy was unproductive. He said that the expenditure was much more than the estimated receipts, and no attempt was made to reduce expenditure and increase the revenue under the head.

Messrs. *Srikrishna Prasad*, *Abdul Ghani* and *Hafeez* supported the motion and demanded that Government proposals for retrenchment under the head be placed before the Council.

The Hon'ble Mr. *J. T. Whitty*, explaining the Government policy, said that it was not possible to administer the forests purely on commercial basis as forests were national and provincial assets, and would be administered as such. The department had done exceedingly well in spite of the difficult situation they had to face at present. He pointed out the retrenchments, which had been effected in the department, and stated that proposals for further retrenchments had been submitted to the Government of India. The proposals could not be laid before the Council as they were the subject matter of a correspondence, but Government could explain them to individual members as far as possible. The motion was withdrawn.

The Council then voted the whole demand of Rs. 4,16,286 under Forests and also Rs. 2,17,907 under Stamps.

#### DEMAND UNDER EXCISE

Under a token cut on the excise demand *Babu Shyamnandan Sahay*, supported by Messrs. *Sachchidananda Sinha*, *Srikrishna Prasad*, *Dwarkanath* and *N. K. Ghosh* urged that the post of the Excise Commissioner be filled up by a member of the provincial service.

The Minister, *Sir Ganesh Dutta Sinha* said that he did not doubt the capacity of provincial service men, but the combined duties of Excise Commissioner and Inspector General of Registration were such as required appointment of much younger men from the Civil Service rather than men of advanced age in the provincial service. The cut motion was negatived. The excise demand was under discussion when the Council adjourned.

**7th. MARCH:**—The excise policy of the Government was criticised to-day by Mr. *Godawaris Misra* by a token cut motion.

Mr. *G. E. Owen*, Secretary in charge of the Department, defending the policy said that they had reverted to the auction system to gain control over a considerable increase in illicit distillation crimes and to safeguard the revenue. Due to illicit distillation the revenue suffered a loss to the extent of Rs. 66 lakhs and over three thousand persons were convicted in the province of excise offences. The cut being withdrawn, the Council voted the whole demand of Rs. 1,492,267 under excise.

By another token cut motion Mr. *Abdul Ghani* raised the question of location of excise shops, which was withdrawn after the Minister's reply.

#### LAND REVENUE DEMAND

Mr. *Abdul Ghani's* motion for a cut for Rs. 2,040 from salary and establishment of the Superintendent, Hiranpur Market, under the Land Revenue demand was rejected after division.

*Rai Bahadur Lachmi Prasad Sinha* moved omission of the provision for Rs. 11,900 for the Deputy Director of Survey on ground of economy,

Mr. *H. C. Prior*, Revenue Secretary, maintained that the officer was doing useful work. The cut was withdrawn.

**8th. MARCH:**—Non-officials scored the first victory in the Council to-day by carrying by 45 to 27 votes the cut of Rs. 79,923 under the land revenue demand for Dhalbhum settlement operations.

Mr. *Abdul Ghani* who sponsored the cut and other non-official members urged that the hardships of revision of settlement operations would entail upon both landlords and tenants in the present economic depression.

The Hon. Mr. *J. T. Whitty*, on behalf of Government, maintained that the existing record of rights were out of date and needed revision, which would be of great value to all concerned, and the cost of settlement operations would be very small.

Government suffered another defeat when the Council carried by 48 to 32 votes Mr. *Rajandhari Sinha's* cut for Rs. 3,379 under land revenue, protesting against the revision of settlement operations in Muzaffarpur. The mover, Mr. *Dwarkanath* and Mr. *Chandreshwar Prasad Narayan Sinha* contended that revision of settlement operations would entail great hardships on both the landlords and tenants in the present economic depression and need not be undertaken at the present moment.



The *Hon. Mr. Whitty*, on behalf of Government, explained the advantage of revision of settlement operations, which would give them valuable asset in the form of up-to-date record of rights, which would obviate chances in litigation and conduce peace and amity between the landlords and tenants. Mr. *Abdul Ghani* and *Mahomed Shafi* by a token cut under revenue demand ventilated the grievances of the sugar-cane growers in north Bihar. The cut motion was ultimately withdrawn.

#### OTHER DEMANDS VOTED

The Council then voted the reduced grants of Rs. 17,15,539 under land revenue and also grants of Rs. 38,000 under famine, Rs. 26,74,900 under pensions, Rs. 7,88,083 under stationery and printing, and Rs. 4,20,592 under miscellaneous.

#### EXECUTIVE COUNCIL DEMAND

**9th. MARCH :—**After voting demands for expenditure in England, extraordinary payments and loans and advances by the Provincial Government, the Council discussed the whole of the day the token cut on provision of the Executive Council under General Administration sponsored by Mr. *Sachchidananda Sinha*. Mr. *Sinha* raised three issues, firstly, the Legislative Council as a whole should be consulted for the formation of important committees like Franchise Committee apart from nomination of individual members. Secondly, he criticised the action of the Governor-in-Council regarding recent executions in Purulia Jail and asserted the Government ought to have made proper enquiries on the basis of the statement of accused Must Ali exonerating two other co-accused before proceeding with executions. Thirdly, he criticised the action of the Government in what he called adopting an extraordinary procedure in Rohtas Murder case recently decided by the Privy Council.

Messrs. *Dwarkanath* and *N. K. Ghosh* supported the mover. Messrs. *Radha Prasad Sinha*, *S. M. Hafeez*, and *Bishundeo Narayan* commended the action of the Government regarding the Rohtas Murder case by starting judicial proceedings to prevent miscarriage of justice. Mr. *Davis*, Judicial Secretary, replying in connection with Purulia executions, stated the statement of Must Ali disclosed nothing which required an enquiry. Mr. *Tallents*, Chief Secretary, replying to other points said all interests were represented in the Franchise Committee including members of the Council and there was not much time at the disposal of the Government to consult the Council as a whole regarding the constitution of the Committee. He maintained the procedure adopted by the Government regarding the Rohtas Murder case was perfectly justified as there was a *prima facie* case and Government thought it was the duty to place the whole material before the highest judicial tribunal of the province. The cut motion was ultimately withdrawn.

#### MINISTER'S POLICY CRITICISED

Mr. *Jogendra Mohan Sinha's* token cut motion under provision "Ministers" for criticising the policy of the Minister of Local Self-Government *Sir Ganesh Dutt Singh* regarding the nominations to local bodies was under discussion, when the Council adjourned.

**10th. MARCH :—**In the Council to-day criticism was levelled against the policy of the Minister of Local Self-Government regarding nomination to Local bodies by token cut on demand for provisions of Ministers. *Sir Ganesh Dutt Singh* maintained that his policy was not based on religious creed or caste but he was guided by the sole consideration of the capacity and efficiency. He could not sacrifice efficiency for community even in matters of honorary service. Nominations were made by him on recommendations of officers. Discussion was not concluded when the Council adjourned for lunch. Several speakers after lunch supported the Minister's policy. The cut motion was ultimately withdrawn. On the assurance of the Government that if ever it was necessary to call a Franchise Committee into being they would consider claims of representation of a particular section or community, a cut motion was withdrawn. Another cut motion urging that the local Government should represent to the proper authorities that Bihar be given proper representation in the future constitutional consultation with the Joint Select Committee, Government assured that the general sense of the Council would be communicated by telegram to the Government of India. The cut motion was withdrawn.

**15th. MARCH :—**The Moslem members of the Council on a token cut to-day urged for adequate appointment of Moslems in the executive service and complained that although qualified candidates were available, their representation fell short of thirty per cent and urged for their legitimate share of appointment by means of existing system of nomination.

The *Hon'ble Mr. Whitty*, on behalf of the Government, said they should not judge the Government policy by isolated instances but by composition of service as a whole and appointments made over a number of years. He maintained that the Moslem community has been fairly treated in the matter of appointment and they enjoyed over twentyone per cent representation in the service as a whole.

Mr. *Sachchidananda Sinha* said that though he sympathised with the demand of Moslem representation in service, he was not in favour of arithmetical basis of representation. Moslems already enjoyed the representation over their population and strength and he would not oppose expansion of the representation if they could attain that by their qualifications and efficiency. The motion was pressed to a division and negatived by 36 votes to 8. The time limit having reached, the Council voted the whole demand under General Administration.

On another token cut the Government was urged for an adequate representation of Bihar Hindus in the appointments of Government pleaders and public prosecutors. Mr. *Sachchidananda Sinha* and *Rai Bahadur Dwarkanath* supported the motion and also pressed for the claims of qualified Bihari Hindus. The *Raja of Kanika*, on behalf of Government, stated that appointments were made on grounds of efficiency and qualifications of candidates. Claims of all communities were considered on those grounds. The motion was withdrawn.

Mr. *N. K. Ghosh* urged the claims of Oriyas for appointments in the High Court Bench. The Government explained that appointments are made on the test of efficiency which had been admitted by the House. Permanent appointments of High Court judges and additional judges were outside the province of the local Government who could make only officiating appointments. The motion was withdrawn.

#### TREATMENT OF POLITICAL PRISONERS

**16th. MARCH :—**The Council carried a token cut of Mr. *Godwaris Misra* urging the appointment of Council members as ex-officio visitors to jails inspite of Government opposition. There was a prolonged debate on the token cut moved by *Sri Krishna Prasad* on the subject of treatment of political prisoners in jails. Several other non-official members complained of the diet given to political prisoners in the Patna Camp Jail and other grievances of hospital treatment.

Mr. *Davies*, Judicial Secretary and the *Raja of Kanika*, Member for Jails Department, maintained that everything was done to make all possible improvements in the Patna Camp Jail and there was nothing wrong. Speaking on personal experience of a visit in Hazaribagh Jail, the *Raja of Kanika* said that he met prisoners individually and they had no complaints. The cut motion was rejected.

#### THE EDUCATION DEMAND

**20th. MARCH :—**In the Council to-day several non-official members under a token cut moved by Mr. *Srinarayan Mahtha* pressed upon the Government the need for restoring the ten per cent cut in the primary education grant and allotting more funds for the purpose.

The Government replied that of the cut amounting to three lakhs in the primary education grant two lakhs had been restored and if more funds were available in future the Government would give sympathetic consideration to the question.

Although the mover wanted to withdraw the motion a division was challenged by other members and the cut was rejected.

The Council then voted the whole demand for education transferred after other token cuts were withdrawn.

#### REMAINING DEMANDS VOTED

Under Civil Works Transferred a token cut moved by *Rai Bahadur Shyamandan Sahay* to urge further retrenchments in establishment and criticise the distribution of proceeds of the Motor Vehicles Taxation Act to Municipalities also provided a discussion. After the Government reply the cut was withdrawn.

The Council then voted Civil Works Transferred and Reserved and Miscellaneous Departments grants.

Mr. *Godawaris Misra* wanted to axe the post of the textile expert as a measure of economy by moving total omission of the provision for the purpose. The Government pointed out the useful function of the textile expert and showed how the officer had developed the cottage industries in the province. The cut was withdrawn.

To-day being the last day of the discussion on budget demands the guillotine was applied at five o'clock and the remaining demands for Industries, Agriculture, Public Health, Medical, Irrigation and Registration were put and voted without discussion.

#### SUPPLEMENTARY DEMANDS VOTED

**21st. MARCH:—**The Council held a short sitting to-day, when they voted ten supplementary demands, brought forward by Government including Rs. 394,766 in respect of Jails and Convict Settlement to meet extra expenditure involved on account of the camp jail owing to increase in the jail population from 10,000 to over 14,000 as a result of combined effect of the revival of civil disobedience movement and protracted economic depression, and Rs. 104,000 in respect of civil works (transferred) for improvement of the Bakhtiarpur-Bihar Road.

#### Debate on the White Paper

**22nd. MARCH:—**The *Hon'ble the Raja of Kanika*, Leader of the House, moved to-day for consideration of the White Paper. In moving the motion the Raja said that as the Government could not express any view thereon official members would not participate in the discussion.

Mr. *Sachchidananda Sinha* moved an amendment proposing an addition to the motion that "having considered it the Council viewed the scheme as unsatisfactory as being hedged in by numerous limitations and safeguards which are opposed to the interest of India and required substantial modification." In moving the amendment Mr. Sinha quoted the Premier's speech in which he foreshadowed the addition of a new Dominion to the British Commonwealth, namely, India. Both the Premier and Lord Irwin made it clear that what India was going to attain in the near future was Dominion Status. The White Paper was completely out of the tune with those declarations and even the term of Dominion Status was conspicuous by its absence therefrom. India would continue to be ruled from White Hall. The Services would remain beyond the popular control. Federation was contingent upon the first approval of Parliament. The Finance Minister was debarred from dealing with eighty per cent of Finance. High Courts might wholly be manned by Civilians. The Governor-General and Governors could exercise enormous extra legislative powers. He concluded that unless far-reaching modifications were made discontent and trouble would ensue followed by repression and more repression.

The next amendment moved by Mr. *Lokenath Mahanti* related to disappointment caused by the non-inclusion of Parlakemedi and other areas which the Oriyas claimed.

*Raja P. C. Lal* supporting Mr. Sinha's amendment said that the new constitution deprived the people of the little rights they enjoyed now.

Reverend *Brajanandan Das* and *Rai Bahadur Laxmidhar Mahanti* in supporting Mr. Lokenath Mahanti's amendments dwelt on the great injustice of the main dismembered Oriya Province.

*Rai Bahadur Satish Chandra Sinha* said that the White Paper sadly belied the hopes raised by the pronouncements made by the Premier and Lord Irwin that Dominion Status was the goal of British Rule.

*Rai Bahadur Dwarkanath* said that the appearance of the White Paper plunged the country in dismal disappointment and gloom. The country which cried for bread was given stone instead. He opined that liberty and democracy would be completely crushed under the terrible powers given to the Governor-General and Governors.

Mr. *Saghirul Huq* speaking on Mr. Sinha's amendment said that it was desirable to embody a declaration of fundamental rights in the constitution and proper safeguards for minorities interests. He urged for a modification to secure the proportions demanded by the Muslims in the legislatures.

Mr. *Chandreswari Prosad Narayan Singh* said that many proposals were certainly retrograde and the safeguards were imposed where unnecessary and missed where necessary. It was gratifying that the need of a Second Chamber in Bihar was recognised but fearing that the constitution given it might render it unworkable urged for modification thereof. He said that injustice done to landlords by not increasing their seats proportionally caused great resentment among them.



Mr. *Sri Krishna Prasad* confining himself to the promise of granting complete Provincial Autonomy said that what was given was the Secretary of State's autocracy transmitted through the Governor-General to the centre and through Governors to the Provinces. Special responsibility and powers given to Governors gave a go-bye to the last lingering colour of responsibility and spell rank suspicion, distrust and contempt for the people of the land. Autocracy came out in all its nakedness in the matter of legislative procedure. It was not Autonomy but it was the worst form of subordination.

Mr. *Jogendranarayan Singh* supporting said the White Paper was the reward for Indians having helped the British Empire and the European civilisation in the darkest hour of trial. After a series of liberal promises speaking about the Bengalee community he said even reservation of two seats for six per cent population has been turned down, and urged its adoption.

About a dozen other members spoke supporting Mr. Sinha's amendment whereupon the closure was adopted.

Both amendments were put to the vote and were almost unanimously carried.

#### NON-OFFICIAL BILLS

**23rd. MARCH :—**No fewer than five non-official Bills were introduced in the Council to-day.

*Rai Bahadur Shyamnandan Sahay* introduced a fresh Bill on the lines of the *Bengal Tenancy Act*, and moved its reference to a Select Committee. He explained that the Bill embodied an agreement between the representatives of landlords and tenants on the tenancy problem.

The *Hon. Mr. J. Whitty*, on behalf of Government, extended support to reference of the Bill to a Select Committee, as the Bill envisaged general desire on both sides to settle the question by mutual agreement. After discussion the Bill was referred to a Select Committee.

*Mr. Hasan Jan* introduced a Bill to provide for regulation and control of certain Mussalman charitable and religious endowments in the province, and moved its reference to a Select Committee.

*Sir Sultan Ahmed*, Special Member nominated for the purpose of the Bill, congratulated the mover on producing a document which ought to satisfy all reasonable persons. The mover had carefully considered all the fine essential conditions precedent to such legislation and framed the Bill accordingly.

*Mr. Gokhale*, Education Secretary, welcomed the Bill on behalf of Government and said that Government attitude was one of strict neutrality in such matters, as they neither wanted to impose a legislation which the people did not desire nor opposed a legislation which the people desired. Although Government were not opposed to the main principles of the Bill, they reserved the right to consider their attitude at a later stage. The Bill was referred to a Select Committee.

The Council was then *prorogued*.

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# THE C. P. LEGISLATIVE COUNCIL

## LIST OF MEMBERS

### President

THE HON'BLE MR. S. W. A. RIZVI

### Ex-officio Members

THE HON'BLE MR. E. RAGHAVENDRA  
RAO

THE HON'BLE MR. EYRE GORDON

### Nominated Members—Officials

MR. NOEL JAMES ROUGHTON

MR. CHINTAMAN DWARKANATH  
DESHMUKH

MR. C. F. WATERFALL

MR. CLARENCE REID HEMEON

MR. CHARLES EVANS WILLIAM JONES

LT.-COL. WILLIAM JACKSON POWELL

MR. G. S. BHALJEE

### Non-officials

MR. LALMAN SINGH

THE REVD. G. C. ROGERS

MR. G. A. GAVAI

MR. T. C. SAKHARE

MR. S. G. NAIK

GURU GOSAIN AGAMDASS

MR. R. W. FULAY

MRS. RAMABAI TAMBE

MR. BALRAJ JAISWARA

MR. DADURAM

RAI SAHIB BADRI PRASAD PUJARI

MR. CHUNNU

MR. C. B. PARAKH

LALA JAINARAIN

MR. T. J. KEDAR

MR. SHEOPRASAD PANDE

MR. KASHI PRASAD PANDE

MR. GOKULCHAND SINGAI

MR. DULICHAND

RAI SAHIB DADU DWARKANATH  
SINGH

CHODHARI MALTHULAL

MR. WAMAN YADO DESHMUKH

MR. ANJORE RAO KIRDUTT

MR. RAMSANEHI GAURHA

KHAN BAHADUR F. F. TARAPORE

THE HON'BLE RAI BAHADUR GAJA-  
DHAR PRASAD JAISWAL (*Minister*)

MR. GOPALRAO RAMBHAU JOSHI

MR. ARJUNLAL

SETH SHEOLAL

MR. CHANDAN LAL

VACANT

MR. GANPAT RAO SHANKAR RAO  
DESHMUKH

MR. SHIVRAMPRASAD SULTANPRASAD  
TIWARI

RAI BAHADUR K. S. NAYUDU

MR. R. S. DUBE

MR. VINAYAK DAMODAR KOLTE

KHAN BAHADUR M. M. MULLNA

MR. IFTIKHAR ALI

THE HON'BLE R. SYED WAKIL  
AHMAD RIZVI

MR. SYED HIFAZAT ALI

MR. MAHOMED YUSUF SHAREEF

BEOHAR GULAB SINGH

THAKUR MANMOHAN SINGH

MR. D. T. MANGALMOORTI

MR. L. H. BARTLETT

SETH THAKURDAS GOVERDHANDAS

MR. VITHAL BANDHUJI CHAOBAL

MR. R. A. KANITKAR

THE HON'BLE DR. PANJABRAO SHAM-  
RAO DESHMUKH (*Minister*)

MR. MOTIRAO BAJIRAO TIDAKE

RAO SAHIB UTTAMRAO SITARAMJI  
PATIL

MR. SHRIDHAR GOVIND SAPKAL

MR. UMEDSINGH NARAINSINGH THA-  
KUR

MR. NAIK DINKARRAO DHAFRAO  
RAJURKAR

MR. YADAV MADHAV KALE

MR. TUKARAM SHANKAR PATIL

MR. MAHADEO PAIKAJI KOLHE

MR. GANPAT SITARAM MALVI

MR. SYED MOBINUR RAHMAN

MR. MUZAFFAR HUSAIN

KHAN BAHADUR MIRZA RAHMAN  
BEG

MR. BALKRISHNA GANESH KHAPARDE  
RAO BAHADUR GAJANAN RAMCHAN-  
DRA KOTHARE

JANUARY SESSION—NAGPUR, 19th. JANUARY to 27th. JANUARY 1933

### The Governor's Opening Address

The January Session of the Central Provinces Legislative Council was opened by H. E. the Governor at Nagpur on the 19th. January.

In the course of his address, His Excellency the Governor said that he was addressing them after eighteen months, due to his absence from the Province and referred to the world-wide depression. His Excellency said that the C. P. Government "got within sight of the low figure advised by the Retrenchment Committee by pruning expenditure."

Though the Government did not touch the bottom of the excise revenue, the Governor expressed his anxiety as regards the agricultural situation, which might affect land revenue. Referring to the new constitution, His Excellency said: "It has been the endeavour of my colleagues and myself to so order matters that the coming Constitution may not be hampered in its operation by an unfortunate financial legacy." The Governor apprehended that in spite of the drastic economies, they had now to choose between closing the existing nation-building activities and finding fresh sources of income.

Referring to the recent Viceregal visit, His Excellency said that Their Excellencies received a very warm welcome and 'won the hearts of all those with whom they came in contact both here at Nagpur and subsequently at Raipur.'

The Governor was amazed at the spirit shown by workers on land in facing the misfortunes, especially in the cotton and wheat tracts. His Excellency quoted figures to illustrate the fine effort of the revenue-payer and the extreme care taken to do them justice in the time of misfortune. The Government were doing, within the limits of their present financial capacity, all that they could by opening co-operative and land mortgage banks in Berar. They would be laying the C. P. Debt Conciliation Bill before the Council during the present session. Finally, the Governor referred to the Uplift Board constituted for rural uplift and reconstruction, which advised the Government regarding schemes for the educational, economic, industrial and cultural advancement of the rural community.

### THE DEBT CONCILIATION BILL

The house then proceeded with Government business. The Debt Conciliation Bill with the report of the select committee was presented by the hon. Mr. H. C. Gowan, who moved it be taken into consideration. Mr. Gowan pointed out that more than 70 amendments had been tabled to the Bill mostly from Berar members. The Bill referred mostly to the conditions in C. P. and should Berar members desire the reformation of the Bill suitable to the conditions prevailing in Berar they could try to do so in the Berar Legislative Committee.

Mr. K. P. Pande moved an amendment to send back the Bill to the select committee for further consideration. Rai Bahadur Nayudu opposed the amendment on the ground that the Bill was thoroughly thrashed out in the select committee. Mr. B. G. Khaparde, Leader of the National Party, wanted the discussion to be deferred as his party wished to gauge the opinion of the C. P. members before making their mind as to what attitude they should take with regard to various amendments they had tabled. The hon. Mr. Gowan opposed the amendment on the ground that all the suggestions had been fully considered in the select committee and no useful purpose would be served by referring the Bill back to the select committee.

Mr. Pande's amendment was put to vote and declared lost. The house next discussed 17 amendments before it adjourned for lunch interval.

The hon. Mr. Gowan's amendment to include co-operative society's debts within the operation of the Bill was accepted.

### NAGPUR LABOUR DISPUTE—ADJ. MOTION

Mr. R. W. Fulay's adjournment motion on the failure of the Government to appoint a board of enquiry under the Trade Disputes Act in connection with the reinstatement of 215 Model Mills workers was next taken up.

Moving the motion, Mr. Fulay said he moved the resolution for two reasons. He wanted to avoid the serious catastrophe of seventy workers offering satyagraha. Again, the fast of Mr. Ruikar had a sentimental bearing on the workers.



The Government point was summed up by the *Revenue Member*, Mr. Gowan, who said that no Government would tolerate the will of a single individual to prevail by reason of the fact. Section 3 of the Trades Disputes Act was applicable in the case of a genuine dispute between the management and the workers, and not in the case of lawful dismissal of some workers.

The motion was lost by 29 against 20 votes. The Council then adjourned.

#### SECOND CHAMBER FOR C. P.

**20th. JANUARY :—**In the Council to-day, *Rai Sahib Dadu Dwarkanath Singh* moved :—“This Council desires to record its opinion, that in the new constitution for this Province there should be provision for a second chamber.”

A preliminary objection was raised by Mr. T. J. Kedar, to taking up a non-official motion to-day, which was an official day, especially when a similar official motion appeared in the list.

The *President* over-ruled the objection in accordance with Rule 24-A of the Standing Orders.

More than fifteen members supported the grant of leave for the motion to be introduced. The mover, who had two supporters, referred to the advantages of a bicameral legislature for the smooth working of legislative business. He stressed particularly that in the event of the Congress capturing the Lower House, with a view to wrecking the constitution, the Upper House, filled with experienced and sober people would save the constitution from the autocracy of the Government and the “mobocracy of the Congress.”

The *Home Member*, stating the Government's position, read the Government Despatch, and stated that a second chamber was unnecessary as sufficient material was not available and it would be expensive. He stated that the Government members would refrain from voting and participating in the discussion of the issue but that the Ministers would have free choice.

*Thakur Manmohan Singh*, *Rao Sahib U. S. Patil* and *Seth Sheolal* supported the resolution, while it was opposed by Messrs *S. M. Rahman*, *D. T. Mangalmoorti*, *K. P. Pande*, *G. B. Parekh*, *W. Y. Deshmukh*, *T. J. Kedar*, *Khan Bahadur Mirza Rahman Beg* and *Mrs. Ramabai Tambe*.

The oppositionist spokesmen hinted at the anti-democratic nature of the motion. They stressed that alongside the special powers of the Governors and the safeguards proposed in the new Constitution, a second chamber would be a second weapon in the hands of an autocratic Government. Finally, it would be useless and expensive.

*Mr. B. G. Khaparde*, leader of the Nationalist party, advised the Berar members to refrain from voting since the future of Berar was still to be decided. *Mr. T. J. Kedar* deprecated the neutral attitude of *Mr. Khaparde*.

When the motion was put to vote there was the solitary voice of the mover heard for ‘ayes’ and the House having divided itself the motion was lost by 9 to 32.

#### DEBT CONCILIATION BILL

The House next proceeded with the discussion on the Debt Conciliation Bill.

On the hon. *Mr. Gowan* accepting the amendment of *Khan Bahadur Mullna* to raise the limit of debts to be conciliated from Rs. 5000 to Rs. 25,000, it was accepted by the House. The House then adjourned.

#### NON-OFFICIAL BILLS

**21st. JANUARY :—**The Council had a busy non-official day to-day.

The *Public Places User Bill* moved by *Mr. G. A. Gavai* (Nominated-Depressed Classes), was passed after much debate. The Bill extends to the whole of the Central Provinces and lays down that no public place should be closed for use to any person by reason of his caste or creed and that a public place includes a road, school, market, garden, sarai, rest-house, ghat, water-standard, burial and burning ground, river, tank, and well, vested, owned constructed and maintained by the Local Government. The penalty clause provides a fine extending to Rs. 50 for obstruction.

*Mr. R. W. Fulay's* motion for referring the *Central Provinces Money Lenders' Bill* of 1931 to a select committee was defeated. The Bill was intended to protect unsophisticated and illiterate people from the hands of dishonest and unscrupulous money-lenders.

The *Finance Secretary* pointed out that the Government agreed to the principles

of the suggested legislation but expected the Central Government to take a lead in the matter.

Mr. T. J. Kedar moved that the *Bill to amend Clause F, Section 13 of the Legal Practitioners Act* be referred to a select committee. The mover contended that though for professional purposes, a legal practitioner was justly regarded as an officer of the court, the rule could not be extended to the sphere of activities outside the profession. The recent full bench decision (27 Nagpur, L. R. 29) necessitated this amendment, as punishment of practitioners for non-professional activities should not rest on judicial interpretation of the vague clause of the sub-section.

The Government opposed the Bill, the Home Member submitting a statement that the Judicial Commissioners and the District Judges were unanimously against the proposed changes, as it might take away the inherent powers and weaken the jurisdiction of the High Courts.

The motion was passed, 30 voting for and 29 against.

#### REDUCTION OF DUTY ON COUNTRY-LIQUOR

The adjournment motion by Mr. K. P. Pande, to discuss an urgent matter of public importance, namely, the action of the Minister of Excise in reducing the duty on country liquor disagreed with the policy laid by the Council was taken up at four in the afternoon. The mover said that the Hon'ble Minister had supported the motion passed by the Council in 1921 which set forth a policy of Prohibition and stopping of the distillation of country liquor throughout the province in as short a period as possible. Now the same Minister, he said, had reduced the duty on country-liquor by 20 per cent, and increased the number of shops without giving notice to the Council.

The Finance Secretary gave figures pointing out the rise in the number of convictions for illicit distillation from 1,405 in 1927, to 3,775 in 1932, due to the policy of increasing the duty.

Non-official members, who opposed the motion, said that the motion, if passed, would mean a vote of "no-confidence" in the Ministers. A change of Ministers at this juncture, when constitutional changes were impending, would not serve the best interests of the country.

This debate had not concluded when the House rose for the day.

#### FUTURE OF BERAR

**23rd. JANUARY :—**In the Council to-day, Mr. B. G. Khaparde moved a resolution recommending to the Government to take necessary steps to constitute Berar into a Sub-Province or a separate province, whichever was found necessary, with a view to securing legislative and financial autonomy for it and entry into the coming Indian Federation as a unit.

Two amendments were brought forward one by Mr. K. P. Pande and the other by Rao Bahadur G. K. Kothare. The former advocated complete separation, and the latter wanted adequate representation of Berar on the C. P. Council and on the Federal legislature.

Mr. Khaparde said that the latest speech of the Secretary of State made Berarists nervous of being handed over to the Nizam's Government. Berarists wanted to enter the Federation as a separate unit, with legislative and financial autonomy, without disturbing the treaty with the Nizam.

The Home Member declared that officials would neither vote on the motion nor take part in the discussion and influence the proceedings. He assured the House that he would communicate the result to the proper authorities.

The discussion had not concluded when the House adjourned.

**24th. JANUARY :—**Mr. S. M. Rahman from Berar referring to the constitutional aspect of the problem said, that under the treaty of 1902, as long as a Chief Commissioner administered Berar, the general position was not anomalous. The position changed when the Montford Reforms were ushered in, and Berar was governed by Transferred and Reserved halves, through the Legislative Council, with a majority of C. P. members. He was supported in his view by constitutional authorities in England. The Governor-General's action in transferring the administration of Berar to the legislature, was contrary to constitutional law. He felt that it was a violation of the treaty. This change was never contemplated when the Nizam entered into a treaty. With the new reforms, the position of Berar would

become absolutely anomalous, as the entire administration would be handed over to popular control. Mr. Rahman pointed out the curious position of Berar elected members, who now sat as members nominated by the Governor.

*Rao Bahadur Kothare* said that with a revenue of two crores Berar could not afford to be a separate province.

*Mr. Choubal*, from Amraoti, opposed the motion and said that Berarists had no genuine case for separation.

*Mr. Yusuf Shareef* could not support separation, but would not object to Berar being made a sub-province of the Nizam's dominions. It was no good making Berar a sub-province of C. P. in which case Berar's position would remain unchanged.

Most of the members from the Hindusthani districts supported the separation of Berar. Messrs. *Kedar* and *Parakh* from Nagpur opposed the motion and remarked that the proposition was unconstitutional, ill-advised and ill-timed. *Mr. R. A. Kanithar* pointed out that they had no control over Berar revenues. They wanted to enter Federation with full provincial and financial autonomy for Berar.

Mr. Pande's amendment to Mr. B. G. Khaparde's resolution was carried by 31 votes against 18.

#### RETRENCHMENT IN SUPERIOR SERVICES

**25th. JANUARY:**—In the Council to-day, Mr. V. D. Kolté's resolution recommending to the Government to represent to the higher authorities the desirability of introducing, at an early date, a scheme of retrenchment in the All-India Services was withdrawn, when the Revenue Member pointed out that the Government had stopped recruitment to the All-India Services except for the I. C. S. and the Police Service, in which recruitments had been reduced. Out of the fifty-five superior posts, seven I. C. S. and two P. C. S. posts had been abolished. The Government were doing their best to reduce the number of posts in the superior services and converting them into posts in the subordinate services.

#### AGRICULTURISTS' FLIGHT

*Seth Sheolal's* amended resolution, recommending to the Government that land revenue and rents be reduced by 50 per cent, was carried without a division. Supporters of the resolution dealt with the present economic depression, and the terrible hardship undergone by the agriculturists to pay the revenue.

Opposing the resolution, the *Revenue Secretary* quoted figures to show that the assessment in the Central Provinces was the lowest in the whole of India. Ninety-five per cent of the land revenue had been paid in very depressing years, without coercive measures being adopted. The Revenue Member said that due to the presence of the Tenancy Act, legally the Government could not alter the assessment. Financially, an abatement of 50 per cent would mean a loss of three crores and thirty-one lakhs, leaving no surces to balance the Budget. He assured the House that the Government were suspending revenues wherever there were hardship. The depression in the province was one common to the whole world and the solution of the same lay in the people standing by the Government.

#### DEBT CONCILIATION BILL

**26th. JANUARY:**—In the Council to-day the *C. P. Debt Conciliation Bill*, the object of which was to relieve the poor agriculturist of indebtedness, was passed without a division. The Bill empowered the Local Government to reform a conciliation board to which debtors and creditors could apply for settlement, the decision of the board being binding as the decree of a court. Rs. 25,000 had been fixed as the limit of the debts to be considered by the Board. There was a lengthy discussion on the provision for allowing legal practitioners to represent parties before the Board.

#### C. P. LOCAL FUND AUDIT BILL

The *Central Provinces Local Fund Audit Bill*, which sought to make better provisions to regulate audit by Government auditors of local funds under the management and control of local bodies, was next taken up.

*Mr. C. B. Parakh* objected to the introduction of the Bill, as it fixed responsibility and liability on the chairman of the local bodies and not on salaried officers for accounts.



The *Finance Member* pointed out that the Bill was drafted in response to public demand, in accordance with the provisions of the Bombay Act on the same matter.

On a division, the Government won, 26 voting for and 3 against. The House adjourned while it was considering the clauses of the Bill.

**27th. JANUARY:—**In the Council to-day, the Local Fund Audit Bill was discussed and passed.

#### OFFICIAL BILLS PASSED

The *Local Government Amendment Bill* seeking to lay down electoral rules and qualifications of voters, and providing for control by the Local Government in the matter of appointments, and penalising contractual relationship between local bodies and their officers, was passed.

An amendment seeking the deletion of the Clause, empowering Commissioners to fill a vacancy and the exemption of local bodies from the payment of expenses in connection with the notification of elections, etc., was unsuccessful.

The *C. P. Courts Amendment Bill*, raising the pecuniary jurisdiction of the Small Cause Courts to Rs. 500 in accordance with the recommendations of the Civil Justice Committee, was passed.

The *Village Sanitation Public Management Bill*, making minor changes in the assessment rules was passed.

The *Primary Education Amendment Bill*, making the levy of fees in primary schools in compulsory areas illegal, was referred to a select committee.

A *Bill to amend the C. P. Municipalities Act* for dealing with cases of non-payment of taxes by members and office-bearers of Municipal Committees, was circulated for eliciting public opinion. The Council then adjourned till the 27th. February.

#### BUDGET SESSION—NAGPUR, 27th. FEBRUARY to 8th. MARCH 1933

##### Financial Statement for 1933-34

**27th. FEBRUARY:—**Mr. H. Gowan, Revenue and Finance Member, presented in the Council to-day the budget estimates for 1933-34. The Budget provides for a revenue of Rs. 463.83 lakhs and expenditure of Rs. 459.32 lakhs, resulting in a revenue surplus of 4.51 lakhs. Owing to late receipt, the orders to effect a restoration in the salaries cut of five per cent could not be taken into account. Although the proceeds from the removal of exemption of surcharge of income-tax on these services are roughly estimated at 3½ lakhs, the five per cent cut involves additional expenditure of 6.64 lakhs which results in the revenue surplus of Rs. 4.51 lakhs being converted into a deficit of Rs. 2.13 lakhs. The ordinary closing balance of 4.63 lakhs is reduced a minus figure of 2.01 lakhs.

Introducing the budget, Mr. Gowan said: "When we hear of tales from all parts of the globe of deficit budgets and bankrupt Governments our province may, I think, congratulate itself on its being able at least to pay its way in addition to redeeming ten and half lakhs, possibly more, of its last year's overdraft."

In the budget for the current year the revenue is estimated at Rs. 492.88 lakhs, but this figure has fallen to 453.12 lakhs, a decrease of 39.76 lakhs. The fall occurs almost in all the principal heads of revenue. Land Revenue 19.48 lakhs. Excise 7.59 lakhs. Stamps 71.000 lakhs and Forests 6.03 lakhs. There is a fall of 2.51 lakhs in the interest receipts and advances to cultivators.

The fall in revenue is practically counter-balanced by a reduction in expenditure from 488.67 to 454.16 lakhs. The revised estimated expenditure for the current year shows a net revenue deficit of 105 lakhs and the closing balance for the year is estimated at 2.54 lakhs, the main cause of the difference being, that capital borrowed for irrigation construction has been under-spent to the extent of Rs 2.84 lakhs. The major portions of the savings contributed by the various departments of the Government are Forest 1.92 lakhs, General Administration 1.30 lakhs, Administration of Justice 1.04, lakhs, Education 1.37 lakhs and Stationary and Printing 1.19 lakhs. Of the total revenue expected to be raised without resorting to an increase the land revenue budgeted including suspended and unsuspended arrears, is 243.33 lakhs, Excise 57.50 lakhs, Stamps 56.55, Forest 45.65. Under debt capital section, the net deficit is estimated at 2.42 lakhs due to underborrowing for the capital expenditure, irrigation works making up an excess of borrowings under the current year. The famine

relief fund during the current year opened with a balance of 45.08 lakhs and is expected to close at 46.08 lakhs.

Concluding the Finance Member said : "Adverse circumstances which we fought for the past two years still persist. In the face of them, it is something for us to be able to say that if we have not gained ground, at any rate we have not lost it"

#### C. P. TOBACCO TAXATION BILL

After the presentation of the Budget, the *Revenue Member* introduced in the Council, the Central Provinces Tobacco Taxation Bill and moved for its reference to a select committee. He referred to the Taxation Committee's recommendations for levying a tax on tobacco which conformed with the first canon of taxation. The reason for referring it to a select committee was to get money quickly. Meanwhile, the opinion of the local bodies could be obtained before August. It was proposed that 25 per cent of the tax should be paid to local bodies in whose area the tax was collected.

Mr. K. P. Pande opposed the motion on the ground that tobacco was a necessity and not a luxury.

Other non-officials, opposing, pointed out that the Bill was meant for meeting a deficit budget necessitated by the restoration of five per cent of the salary cut.

Replying, the Revenue Member said that the Bill was on the anvil for the last eight years. So, the last statement was without foundation.

The motion was lost without a division and the House adjourned.

#### GENERAL DISCUSSION OF BUDGET

**28th. FEBRUARY :—**The Council spent the whole day to-day in the general discussion of the Budget. A dozen non-officials attacked the Budget. The principal line of argument was that land revenue was over-estimated, and was not likely to be realised and that it should be based on the last ten years' average. It was urged that the salaries of the various services should be reduced, and that the sum of one lakh provided for Police buildings, was unnecessary. It was also stated that cuts were made in the grants to nation-building departments. They demanded more retrenchment through reorganisation of the administrative machinery and the abolition of higher posts. More money, they demanded, should be spent on universal primary education and less on university education. The judiciary and medical departments, it was urged, should be manned by practising members.

Speaking on behalf of the Transferred department, Dr. P. S. Deshmukh, Minister for Education, admitted that the Department suffered or want of money unavoidably. With regard to the suggested curtailment of expenditure on schools and colleges to benefit primary education, reform should be gradual and not revolutionary. The Government would shortly come forward with a detailed programme for village uplift.

Replying to the general criticism, the *Revenue Member* said that the estimates were based on normal years. There was no reason to think that the monsoon which failed twice, would fail again. The Government believed that the present standard of administration was sound, and reorganisation was unnecessary.

Although deficits existed for two years due to circumstances which were beyond the control of the Government, they were hoping for a surplus in the coming years.

#### VOTING ON BUDGET DEMANDS—MINISTER'S POLICY CRITICISED

**1st. MARCH :—**In the Council to-day, Mr. M. P. Kolhe's motion for a cut of Re. 1 in the demand for Rs. 58,500 by the Ministers for grant of salaries and travelling allowance, to discuss the policy of the Ministers, was defeated without a division.

Regarding Excise, the mover said that the Minister had changed the policy of Prohibition enunciated by the Council by reducing the duty and increasing the strength of liquor and the number of shops. The Minister, he said, had disregarded the principles laid down for nominating members to local bodies. Exodus to the hill stations was condemned. He said that grants to private educational institutions should have been restored, *paripasu*, with the restoration of the five per cent salary cut. In every direction, the Ministers had disproved their existence.

Mr. K. P. Pande and Mr. T. J. Kedar, supporting the motion, suggested that Ministers were interfering in petty matters relating to local bodies.

Mr. *Deshmukh*, Minister for Education, regretted that financial difficulties did not enable a restoration of the educational grants.

Mr. *G. P. Jaiswal*, Minister for Local Self-Government and Excise, quoted concrete instances showing the work done. Regarding Excise, he said that the allegations that the number of liquor shops and the consumption had increased were baseless. The duty on liquor was reduced to check illicit distillation. He maintained that the principles in nominating members to local bodies, were not violated.

#### DEMAND UNDER JUSTICE

**2nd. MARCH :—**In the Council to-day when the *Home Member* made a demand for a grant under the head "Administration of Justice", Mr. *B. G. Khaparde* moved a token cut of Re. 1. He stressed that there was interference with the judiciary by the Executive in this province. Instructions were generally issued pressing for particular punishments. The degeneration was spreading to civil courts.

The *Home Member*, clearing the position, pointed out that there was no interference with the judiciary by the Government. During a civil commotion like the Civil Disobedience movement, the Government doubtless instructed the prosecution to press for particular punishments, but instructions were never issued to the judiciary.

The motion was pressed to a division and rejected by 34 to 24 votes.

A similar motion brought by Mr. *Kedar* was rejected without a division.

**3rd. MARCH :—**The Government sustained four defeats in the Council to-day, when the discussion on the demand No. 10. "Administration of Justice (reserved)" was resumed.

*Syed M. Rahman* (Akola) moved a token cut of one rupee urging the abolition of certain civil districts. District Judges were paid Rs. 2,700 per month which was in excess of Lord Irwin's salary as a member of the British Cabinet. He urged that subordinate judges be empowered to try criminals as also sessions cases. Such a procedure, said Mr. Rahman, would result in a considerable saving of the taxpayer's money.

Opposing the "cut", the Home Member said that three civil districts had already been abolished and it was impossible to reduce their number further.

The motion was put to vote and carried, the Government refraining from demanding division.

Mr. *Kolhe's* token "cut" urging that enhanced powers be conferred on village panchayats, was carried by 27 votes to 18.

Mr. *Hafizali's* token "cut" protesting against the enhancement of the process fees was also carried without a division.

#### CONVICTION OF SATYAGRAHA LAWYERS

By far, the most important token "cut" was that of Mr. *Khole*, urging that the Government should reconsider the question of allowing the twenty-two legal practitioners convicted for participation in the Civil Disobedience movement and who had been suspended from practice, to resume practice at the Bar. Mr. Kolhe appealed to the Government not to be vindictive on those who had suffered in the country's cause. He also referred to the change in the political situation and thought that the time had come when the Government should move the Judicial Commissioner in the matter.

In spite of opposition from the Treasury Benches, the motion was carried by 28 votes to 22.

#### DEMAND UNDER JAILS

The Council then commenced discussion on the demand for jails.

Mr. *R. A. Kanitkar* (Buldana) moved a token "cut" of one rupee to discuss the treatment of political prisoners. He referred to the restrictions imposed on visitors.

Mr. *Mangalmurti* stated that prisoners, charged with more serious offences in other countries, were being treated far better than Civil Disobedience prisoners in the province.

Mr. *Fulay* (Labour), supporting the motion said that the use of screens during interviews was unjustified in the case of "A" and "B" class prisoners. He was,



however, of the opinion that the screen was necessary in the case of "C" class prisoners.

Mr. K. P. Pande (Sihora) felt that a lot of dissatisfaction was due to the policy of classification of Civil Disobedience prisoners. Persons who paid income-tax running to several thousands were placed in "B" class. A rich citizen of Berar, whose status was known to the Magistrate, was placed in "C" class. He was surprised that the jail authorities had introduced screens for interviews without the previous consent of the Government. The Government of India had issued no such instructions to the Provincial Governments. Yet such humiliating conditions had been imposed on prisoners. He thought that the object of the jail authorities in doing so was to break the morale of the prisoners. Further, the food supplied to the prisoners was sometimes raw and distasteful. He also requested the Government to associate non-official members with the official committee of enquiry and give the House full information regarding the scope of the enquiry.

**4th. MARCH :—**Discussion on Mr. R. A. Kanitkar's token cut regarding the policy of treating political prisoners in jails was resumed to-day and was lost by 30 to 20 votes.

Mr. F. Gordon, Chief Secretary, said that the motive for which political prisoners courted imprisonment, elicited respect, but the respect somewhat abated when the martyr's thorns were exchanged for a garland of lotuses. Regarding separation of such prisoners, he said the question was of all-India concern.

The *Home Member* pointed out that a committee of enquiry had already been appointed to consider the question of separate jails, food, clothing and the other points raised.

Mr. T. J. Kedar's cut under the same head brought Amraoti Jail affairs of April 1932 into prominence again. The motion suggested that a course be adopted by Government in regard to delinquents in the said affair, which would amount to a vote of censure on Mr. Harvey, Superintendent of the Jail. The mover maintained that Mr. Harvey had violated the rules of the Jail Manual for which he should be properly dealt with.

Lt. Col. Powell, Inspector-General of Prisons, supported Mr. Harvey, who, he said, acted in good faith and did what was necessary under the circumstances for the maintenance of discipline.

The debate continuing reached the time limit, and was guillotined along with thirty-four "cut" motions under the same head.

#### DEMAND UNDER POLICE

In respect of the demand under the head "Police," Mr. C. B. Parakh's cut to consider the steps taken by the Government for keeping in abeyance the posts of certain officers in accordance with the recommendations of the Financial Committee, was being discussed when the House adjourned.

**6th. MARCH :—**A number of token cuts in the demand for the 'Police' were discussed in the Council to-day. Only Mr. C. B. Parekh's cut to protest against non-Indianisation of the superior posts was carried by 30 votes to 29.

The mover said that the Lee Commission had decided that the proportion of Indians in the superior posts should be 50 per cent. Even if all the posts went to Indians henceforth, the ratio would not be reached in 1940.

Mr. F. Gordon, Chief Secretary, pointed out that no European had been recruited after 1921. One Indian would be recruited next year. The *Home Member* added that unless suitable candidates were available, it was difficult to Indianise the higher posts. Europeans who were already recruited, could not be superseded for the sake of Indianisation.

#### SALARIES CUT RESTORATION

A lively debate ensued on *Rai Sahib U. S. Patil's* protest against the restoration of the cut in the salaries of the Provincial Services.

The *Revenue Member* referred to the Budget speech of the Finance Member in the Assembly, in which the Government of India promised grants to provinces corresponding to the amount of income-tax payable by Government officers whose cut was reduced to 5 per cent, the sum being about 2.40 lakhs. He warned the members that the effect of renewing the cut would result in a loss of the sum.

The *Home Member* asked the House not to behave in an irresponsible manner by passing this motion and going against the principles accepted by the Secretary of State, especially when the Reforms were ahead.

The motion was pressed to a division and lost by 37 votes to 16.

#### FUTURE OF BERAR—ADJ. MOTION

**7th. MARCH :—***Mr. Chaubal*, Whip of the Democratic Party, moved an adjournment motion to discuss the position of Berar in the future constitution of India, in view of the recent statement by the Secretary of State.

The *President* remarked that there had been a good deal of discussion in the last session on the subject.

*Mr. S. M. Rahaman* pointed out that Berar being foreign territory, this House could not discuss the subject.

*Mr. E. Raghavendra Rao*, Home Member, said that the matter was not urgent, but it touched the delicate relations between the Crown and the Nizam, and went against the rules of this legislature.

The *President* agreed with the Home Member and refused permission for moving the motion.

#### “CUT” IN GRANT FOR EDUCATION

The demand for a grant of Rs. 1,14,000 under the head “Education Reserved” was passed without a cut, the six cut motions tabled being withdrawn.

Of the 53 “cuts” tabled under the head “Education—Transferred” five were carried, reducing the original grant by five rupees.

*Mr. C. B. Parekh*’s token cut in respect of non-contribution of one-half of the total expenditure incurred by local authorities for compulsory education, was carried.

#### MEDICAL DEMAND

**8th. MARCH :—**A lively debate ensued in the Council to-day over *Mr. S. M. Rahaman*’s token cut in the demand under head “Medical-Transferred”, to discuss the question of provincialising the two posts of District Medical Officer or Civil Surgeon.

*Mr. C. B. Parekh* said that the Retrenchment Committee’s recommendation for a reduction of two posts in the superior service, had not been accepted by the Government. When more qualified men on less pay were available, asked *Mr. Parekh*, why should the Government not recruit them?

The *Revenue Member* retorted that European officers considered it a fundamental right to get treated by European doctors. The Government considered that the reduced number of Indian Medical Service officers was the irreducible minimum. Any talk of a further reduction was useless.

The mover withdrew the motion, with the leave of the House. The entire demand under the head “Public Health”, was passed without a cut.

#### THE WHITE PAPER

After recess, the *President* informed the House that a petition signed by twenty-five members was submitted to him for the purpose of forwarding the same to the Governor. The petition requested the convening of a special session of the Council soon after the publication of the White Paper to express their views on the Joint Parliamentary Committee, which the *President* agreed to forward.

#### REMAINING DEMANDS VOTED

The time-limit fixed by the Governor for consideration of the demands was reached. The *President* ruled that the outstanding demands should be disposed of and these were put to vote and carried without a cut.

The Council then adjourned *sine die*.

# THE BURMA LEGISLATIVE COUNCIL

*BUDGET SESSION—RANGOON, 9th. FEBRUARY to 28th. FEBRUARY 1933*

## **The Governor's Opening Address**

The Budget Session of the Burma Legislative Council was opened by His Excellency the Governor at Rangoon on the 9th. February 1933. His Excellency said that of the political situation, he could say nothing. They had forwarded to the Secretary of State, complete proceedings leading up to the Council resolution of the 23rd December, with a translation of the Burmese speeches which necessitated some delay. Now, the issue of Separation or Federation, for the time being, had passed out of their hands, and His Excellency hoped that they might give their whole-hearted attention to matters of internal administration.

But there was one thing that both the members and his Government were deeply interested in. Whatever might be the issue, there should be no recrudescence of the disturbance that cost the Province so dearly. His Excellency added that he relied on their support and approval to any measures which the Government might feel necessary to take in order to prevent this.

Continuing, His Excellency said that to him, coming fresh to Burma, the difficulties that faced them seemed very formidable, and he wished to take the first opportunity of getting into touch with those who must be colleagues in the efforts of the Government to solve them. He had been in Burma for so short a time, that he was still merely studying the nature of these difficulties, and it would be presumptuous on his part if he were to address them at that stage on the most hopeful methods of meeting them.

The predominant factor was, of course, the economic situation, His Excellency added. It would be superfluous for him to dilate on the anxieties and sufferings that the fall in the price of paddy had brought upon the people of Burma. The causes of food grains and raw materials remained, he feared, somewhat a mystery to many of them—laymen. But there was very little that they themselves could do to remove them. His Excellency assured them that they should leave no avenue unexplored that showed the slightest sign of leading to light.

The Government had done what they could to help those who were suffering making reductions in the capitation tax and the revenue assessment which substantially affected the provincial revenue position. Each district was carefully and minutely considered, and the measures adopted cost over Rs. 70 lakhs. Though the measures did not relieve the agriculturist from the effects of the fall in prices, it would enable him to bear them.

Referring to the finances of the Government, His Excellency said that he did not wish to anticipate the Finance Member who would to-day present the Budget proposals, but he only desired to lay before the House the broad facts that made so much impression on him as a new-comer. A year ago, Sir Charles Innes, in his address to the Council, explained that in 1930-31, in order to give the price of rice and paddy time to recover, the Government had postponed the date of revenue collection by nearly a month. In the peculiar circumstances of Burma, this resulted in large carry-over of revenue and in spite of the reduction in expenditure amounting to Rs. 78 lakhs, the year closed with a deficit of Rs. 218 lakhs. They borrowed from the Government of India. That was the first step, and a long one on the slippery slope that led to bankruptcy. In the current year, the Government again had to forego revenue and they had to incur a further debt of some Rs. 66 lakhs. Six years ago the Government had no debt, but now they owed six crores and it was likely that they would owe over seven crores at the beginning of the coming year. The decision of the Secretary of State at the last moment, to restore half of the "cut" in salaries increased expenditure by Rs. 16 lakhs. To restore the equilibrium of the budget, this must be met from somewhere, for additional incometax payments which counter-balanced this reduction to a considerable extent went not to the Local Governments' coffers, but to those of the Government of India. Proceeding, His Excellency observed: "We are on the eve of constitutional changes. Burma, whether as an autonomous province or a separate entity, must need have credit for its development, and credit cannot be built on the foundation



of unbalanced budgets. We had the misfortunes of natural calamities and man-made rebellion, but even if we were confident that such misfortunes would never occur again, are we sure that our future revenue would balance our expenditure? In the last three years, expenditure has been reduced from Rs. 11½ crores to nine crores and thirty-six lakhs, in spite of the increased expenditure forced by the rebellion, much of which, I fear, would be permanent in the coming budget. We provide practically nothing for new works, have drastically cut provisions for repairs and maintenance and stopped building grants to schools. We cannot live for ever on a starvation diet. During this same period, our revenues have shrunk from Rs. 10½ crores to 8½ in the current year's revised and 9¼ in the next year's estimate, in spite of the fact that in the last two years, the Council had voted an additional taxation to the extent of Rs. 32 lakhs. I do not think we can regard the balance-sheet with any complacency. It is our common duty to explore every possibility of reducing the expenditure and increasing the income.

"We propose to place a senior officer on special duty at once to examine meticulously where money can be saved, and I can assure you that I shall give him every support in his very unpleasant duty. We shall none of us like the results. The only economy we ever really approve is at somebody else's expense. Meanwhile, we shall place at a later date proposals for raising revenue by increasing the court-fees, and I am confident I can rely on your co-operation and help."

His Excellency concluded by asking the members for all assistance in the difficult task that lay before them both, and prayed that their united efforts might set Burma once more on the path of prosperity.

#### Financial Statement for 1933-34

After the Governor's speech Mr. *Thomas Couper*, the Finance Member, presented the Budget estimates for the year 1933-34. In the course of his speech he said that the financial results of 1932-33, which had not yet closed, showed that the receipts were less and disbursements greater than anticipated. In the place of the anticipated surplus of Rs. 26 lakhs, it was now expected that there would be a deficit of Rs. 66 lakhs, which would have to be borrowed from the Government of India. The revenue estimates for 1932-33 were framed on the assumption that there would be a slight improvement in trade, but the assumption was falsified as the price-level continued to fall, and revenue decreased, showing a net shrinkage of almost Rs. 76 lakhs in the ordinary land revenue for 1931-32. The revenue normally assessed was Rs. 385 lakhs, of which Rs. 18 lakhs were struck off and only Rs. 218 lakhs were collected before 31st April, 1932, Rs. 157 lakhs were carried over, of which 20 lakhs were struck off and the balance collected. The Government thus remitted Rs. 33 lakhs land revenue, and the loss of Rs. 20 lakhs in remissions of land revenue, recently announced, explained largely the expected decrease under land revenue.

The expenditure for 1932-33 showed an increase under Forests, which was attributable to the loss made over two years' working by the Utilization Circle, and under Police, due to transfer of Punitive police expenditure from the penalised locality to the general tax-payer. There was also need for maintaining the police forces after the rebellion. Excise showed a decrease of over two lakhs, and Civil Works about six lakhs.

Turning to the budget estimates for the coming year 1933-34, the Finance Member said that receipts and disbursements were summarised as follows: Ordinary revenue 926 lakhs, loans repaid to the local Government Rs. 31½, Miscellaneous receipts Rs. 22½, and total receipts Rs. 980 lakhs. The ordinary expenditure was Rs. 900 lakhs, expenditure of a capital nature Rs. 37 lakhs, loans by the Local Government and Miscellaneous payments Rs. 20 lakhs, and repayment of instalment of the principal on the past loans received from the Government of India Rs. 16 lakhs, totalling Rs. 973 lakhs. These figures showed an estimated surplus of Rs. 7 lakhs, but the estimates were prepared on the assumption that the ten per cent pay cut would be continued. The recent decision reducing the pay cut to five per cent, had increased expenditure by Rs. 16 lakhs, and the means of providing this sum was engaging the attention of the Government. Supplementary estimates would be presented at a later session.

Revenue for the coming year were estimated on the assumption that the produce-prices would make a recovery towards the pre-war level and it was hoped would be about Rs. 80 lakhs more than the collections in the previous year.

Regarding ordinary expenditure for 1933-34, the estimate of 900 lakhs was 23 lakhs less than the expenditure for 1932-33. The fall in the cost of food, stores and equipment would explain the reductions under Jails, Ports and Pilotage, while disbandment of the police entertained after the rebellion, accounted for the fall under that head. The reduction would have been better but for the rearmament the military police, on which Rs. 8½ lakhs was being spent. Less money was available for the maintenance of roads, and it was hoped that famine would not occur. The contribution of the Shan State Federation had been discontinued, and the contribution to the Municipal Corporation on account of the rates payable for Government buildings had been reduced. The capital expenditure in the coming year aggregated to Rs 36½ lakhs for works to which the Government were already committed or which it was advised should be undertaken at once.

On the 1st of April 1932, the Province owed the Government of India Rs. 625 lakhs, but considering the proposed loans of Rs. 66 lakhs to cover the provincial deficit and Rs. 36 lakhs to finance the capital expenditure, the Provincial debt would thus amount to Rs. 712 lakhs on 31st March 1933.

The future financial position of the Province should be regarded with great anxiety. In the present year, the Province was unable to repay the debt out of revenue. It could be paid only by getting further into debt. The estimated surplus in the revenue accounts of Rs. 26 lakhs was too small to meet unexpected calls, and further taxation and retrenchment seemed inevitable, even if retrenchment should entail abandonment, for the time being, of beneficial activities.

Speaking on the estimates for the coming year, the Finance Member said that Forest, Excise and Stamp revenues were slightly higher. Petroleum revenues was expected to remain at much the same rate at about Rs. 32 lakhs, and the revenue under other heads was likely to be much the same as it was in the present year. As regards the taxes which the Government of India collected, the Burma Government expected to get nothing from income-tax and to get Rs. 5 lakhs from the additional duty on salt. Regarding local excises, the betting tax was doing better, but it was proposed either to increase the tax on the tote from 2½ to 4 per cent, or receive a subvention from the Turf Club. Cigarette excise was coming up to expectation and Rs. 9 lakhs were expected during the coming year, while from the match-tax Rs. 17½ lakhs were expected. The crucial factor was the estimate of land revenue, which perhaps would be criticised on grounds of undue optimism. He took an optimistic view saying that the rupee was linked to Sterling, whose prices appeared to be rising slightly, or at all events to be no longer dragged down in recent months by the drop in gold prices.

The world Economic Conference would meet in April or May, and if the Conference was successful the burden on public and private debt would be reduced, and an immediate recovery of prices could be hoped for. Another reason for his taking an optimistic view was to be found in the economic condition of the country, and the "figures of increased consumption of alcoholic drinks." He said that the province obtained last year some Rs. 5½ crores by selling gold. This year, since the 1st April 1932, the sale of gold had brought only Rs. 1½ crores and he thought that it was generally recognised by those who were in touch with the agricultural districts, that there was now very little gold hoarded in the districts in the shape of ornaments or in any other form.

Taking the question of how the deficit could be filled up, the Finance Member suggested not in an official but in his personal capacity, a tax on tobacco or Government monopoly of tobacco. He said that if education and road and all other beneficial activities of the Government were not to be curtailed for a very long period, revenue must be found from some source or other and no greater question than that awaited solution at their hands, whether the province was Federated or Separated.

#### GENERAL DISCUSSION OF BUDGET

**10th. FEBRUARY :—**The Council devoted the whole of the day to a general discussion of the Budget. Several members participated in the discussion and the Finance Member made a joint reply.

Non-official members congratulated the Finance Member on his frank and lucid statement regarding financial affairs, but criticised his over-optimism.

*Ba Pe*, opening the debate, remarked that Burma was solvent only on paper, while the country was really in a financial disaster. There was no use relying on the World Economic Conference. He suggested effecting retrenchment, abolishing prize posts and, also combining the Police and Excise Departments.

Mr. *Tyabjee* attributed the present position to past mismanagement.

Mr. *Stoneham*, representative of the Burma Chamber, urged an examination of the financial policy and wished that the Government would reduce the cost of administration.

Mr. *Campagnac* asked the Government not to adopt a gambler's attitude, but to face facts.

Mr. *Vellayam Chettiar* informed the House that his community had loaned to the agriculturists Rs. 40 lakhs during the current year but he doubted whether they would be able to do so in the future.

The *Finance Member*, in the course of his reply, refuted the charges of past mismanagement. Justifying the police expenditure, he remarked that but for the Police protection, revenue could not have been collected.

The Council then adjourned.

#### POSTPONEMENT OF LAND REVENUE

**13th. FEBRUARY :—**Discussion on *non-official resolutions* commenced to-day in the Council when the Government suffered a defeat twice.

The first defeat was over a resolution recommending the postponement of the collection of Land Revenue till July this year owing to the heavy fall in the price of paddy, as also on an amendment urging the postponement of such collection till the middle of April every year.

#### REDUCTION IN LAND REVENUE

The second defeat was over a resolution recommending a reduction in land revenue and the capitation tax by half this year or in the alternative recommending to the Government to direct the revenue officer to accept paddy in lieu of cash at a valuation of Rs. 150 per centum baskets from the payers of land revenue and the tax, as also on an amendment thereto, to accept other crops and agricultural products on the basis of the prices settled by the Settlement Department on the last occasion.

The resolution was pressed to a division and carried by a large majority.

The mover and seconder of the resolution suggested the taxing of foreign capital at four annas per centum in order to meet the resultant deficit, as foreign traders should not be let off lightly by paying income-tax, whereas the sons of the soil paid heavily in the shape of the land revenue and other taxes.

The Finance Member, opposing the motion, said the suggestion to tax foreign capital was a discriminatory one and observed that Burma's present developed state was all due to the foreign capital and, without it, Burma would have been in a semi-savage state as in the past.

#### EXODUS TO THE HILLS

The Council was discussing another resolution recommending the stoppage of the Government's annual exodus to the hill station owing to the present serious financial stringency, when it was adjourned.

**14th FEBRUARY :—**The House carried by a large majority the resolutions recommending to the Government the stoppage of the annual exodus to the hill station at Maymyo and the closing of schools, offices, courts and public institutions on all Buddhist Sabbath days.

The first resolution was supported by the representative of the Burma Chamber, who expressed the opinion that the country was now confronted with a disaster and as the next few months would be important, the Government should stay at the head-quarters for easy access and quick action.

#### BURMA RICE TRADE

Discussion then ensued on the resolution recommending that a representation be made to the Indian Government on the hardship caused by the dumping of Siamese and Saigon rice in Indian markets and the need for the imposition of a duty on imported foreign rice in order to raise the price of Burma paddy. The debate was adjourned.

**15th. FEBRUARY :—**The Council resumed discussion on the resolution recommending the imposition of a duty on imported foreign rice in order to raise the price of Burma paddy.



Mr. *Tyabji* moved an amendment to prohibit the entry into India of rice and its by-products from any but Empire countries.

The *Finance Member* informed the House that the Government were naturally sympathetic to any proposals to raise the price of paddy. The Government of India had already turned down the Local Government's proposals. If further representation was necessary, the Government must have a cast-iron case and must show that the whole Province would benefit, and not one section to the harm of another.

Mr. *Richards* (Chamber of Commerce representative) said that Mr. *Bajpai* in his statement to the Assembly had selected import figures only for a part of the year, and in the case of the export figures he had chosen the whole year's figure. Although foreign imports were in no great volume, they had a bad influence on the local market. Burma had already lost some foreign markets, particularly Germany. He quoted facts and figures and opined that Burma needed protection to save her main industry.

Mr. *Ahmed Chandoo* of the Indian Chamber of Commerce supported the motion.

After some speakers had supported it, the amended resolution was carried unanimously without a division.

*Daw Hnin Mya's* resolution regarding the abolition of the Capitation and Thathameda taxes was not moved. The Government, objecting, pointed out that it was out of order as the Council had already passed a resolution recommending the reduction of taxes on the 13th. instant. The Council then adjourned.

#### CAUSES OF BURMA REBELLION

**16th. FEBRUARY :—**In the Council to-day, a resolution recommending the appointment of a Committee, with an elected majority, to enquire into the causes of the recent rebellion was carried by a majority of thirty-four, despite Government opposition. The supporters made many allegations against officials in the rebel area.

*Chit Hlaing* pointed out that if the Government refused to accept the modest request, they would prove themselves unsympathetic, giving cause for further trouble.

*Dr. Ba Maw* said that the country was anxious to know whether the Government version of the origin of the rebellion was correct, and in the interest of law and order, he demanded such an enquiry.

The Government, opposing the resolution, maintained that the rebellion was premeditated, quoting at length from judicial proceedings in support of their contention.

The Government assured the members that they would furnish a statement setting forth the causes of the rebellion after perusing the judicial records in the rebellion cases, and asked the mover to withdraw his motion.

Another resolution which was carried recommended the refund of the Capitation and Thathameda taxes collected since 1st. January, in view of the reduction already recommended by the Council. The Council then adjourned.

#### SUPPLEMENTARY GRANTS VOTED

**18th. FEBRUARY —**Having concluded non-official business yesterday the Council met to-day to transact official business, and passed additional grants.

The Additional grants voted by the Council were : Rs. 1 lakh for the diversion of the river in the Pegu district, to prevent floods, and also for the construction of an embankment ; Rs. 2,32,272 for the entertainment of an additional police force in the rebellion-affected districts, and the cost of the armoured trains employed during the rebellion, and the construction of police cottages ; and Rs. 6 lakhs additional expenditure for continued entertainment of irregular police forces in connection with the rebellion.

#### VOTING ON BUDGET DEMANDS

**20th. FEBRUARY :—**Voting on Budget Demands commenced to-day. The *Finance Member* moved for a grant of Rs. 20,369,360 to meet the expenditure of the department in his charge.

Eighteen motions for nominal cuts had been tabled, of which ten were disposed of, four being carried despite Government opposition and the rest being withdrawn. During the discussion of a token 'cut' urging improvement of waterways in Arakan, the Government pointed out that at present funds were not available to carry out further improvement.

*U. Chit Hlaing* observed that the Government could find Rs. 16 lakhs to meet the resortation of five per cent of the salary "cut" but informed the House that

there was financial stringency, when the question of improving the country's conditions was raised.

The *Finance Member* replied that the restoration afforded little relief to Government servants who were expected now to pay incometax. The Council then adjourned.

**21st. FEBRUARY :—**The Council to-day discussed the Budget cuts on the Finance Member's demands.

Mr. *W. J. C. Richards* (Burma Chamber) moving a token cut, pointed out that as a result of the Ottawa Agreement, the rice trade was brisk between Burma and the United Kingdom, but he believed that owing to the omission of the word "paddy" in the drafting of the agreement, the trade was now threatened by Spain, which owing to this omission, was exporting paddy to the United Kingdom.

The speaker wanted the omission to be rectified but withdrew the motion after the Government had replied that such representation had already been made to the Government of India.

The House then passed the Finance Member's demands minus the nominal cuts, amounting to Rs. 221, carried on different motions.

The Home Member moving for a grant of Rs. 3,12,76,110, the House took up the 33 "cut" motions thereon.

**22nd. FEBRUARY :—**The Council to-day debated the Home Member's demands for grants. Only four "cuts" were carried by a large majority despite Government opposition. One "cut" involved Rs. 10,000, the mover asking the Government to give effect to the Council recommending the stoppage of exodus to hill-station. The European Chamber's representatives supported the motion.

Another "cut" which was carried recorded the House's disapproval of the action of the Government to deporting some Pongyis and laymen without trial and also in declaring Nationalist Associations unlawful.

The Chief Secretary justified the action of the Government saying that these associations were connected with the recent rebellion and deportation was deemed necessary to preserve law and order in particular districts. The Council then adjourned.

### The Ministerial Crisis—Mr. U. Kyaw Myint's Survey

Members of *U Chit Hlaing's* and People's parties tabled a "no-confidence" motion against the Forest Minister and also motions fixing the salary at Rs. 2,500 on grounds of economy. Interviewed by the *Associated Press* representative, Mr. U. Kyaw Myint M. L. A., said :—The position of the present Ministers in Burma is peculiar. Sir J. A. Maung Gyi has, since the advent of the Montford Reforms, held one high position after another. He was first Minister of Forests and then Judge of the High Court and later Home Member officiating during Sir Charles Innes's absence at the first Round Table Conference as Governor of Burma and resuming his position as Home Member on Sir Charles Innes's return. After his retirement on account of age from the position of Home Member, he successfully contested a bye-election and became Minister of Forests and remained as such until the end of the last Council. At the last general election, he secured a seat and is now Minister of Forests again. The Minister of Education is U. Kyaw Din, who was until his appointment, a leading barrister practising in Rangoon. The two Ministers, considered politically, are not exactly on the same footing. Sir J. A. Maung Gyi has been leading a party known as the Independent for many years. That party is popularly known as the Golden Valley party, the name being derived from the Golden Valley estate on which most of the members of the party live. He and his party have frankly been pro-Government and have been assisting the Government throughout. The results of the last general election showed Sir J. A. Maung Gyi, with just a few followers, in the beginning of the last session, which was held to decide the separation issue, and which failed to do so. Dr. Ba Maw led a majority party, with about 25 members. The next in strength was U-Chit Hlaing's party, with about 20 members. Both these parties had sought election on the Anti-Separation ticket. The third in strength was the nationalist or People's Party, led by U Ba De, with less than 20 members. Nevertheless Sir J. A. Maung Gyi, with his usual skill, manoeuvred himself into a strong position by winning over several of the unattached members in the Council.

After U Chit Hlaing's fall from the Chair, Sir O De Glanville became the President of the Council.

Dr. Ba Maw, immediately after election, had refused to form a Ministry when requested by Sir Charles Innes to do so. U Kyaw Din resigned from Dr. Ba Maw's party, while the Council was in session and before the motions in connection with the Separation issue were finally decided. Soon after the end of the first session and before the beginning of the second session. His Excellency Sir Hugh Stephenson, the new Governor, appointed Sir J. A. Maung Gyi as Minister of Forests and U Kyaw Din as Minister of Education. So far as can be gathered, the actual number of non-official members who are bound to support the two Ministers is 11. The official bloc and nominated members number 23. The total strength of the Council is 104. It is imperative therefore that one of the three major parties should support the two Ministers, if they are to regain their position. There are strong rumours afoot that Dr. Ba Maw, before their appointment gave an undertaking for himself and his party to support the two Ministers in the event of any censure being attempted in the present session.

Demands for grants are now being debated in the Burma Council. The three major parties view the position in three different ways. The strongest party now is U Chit Hlaing's party, with over 20 members. They are frankly against working the dyarchy. Dr. Ba Maw's party, with about 20 members, have not yet defined their attitude publicly as regards the appointment of Ministers. The Nationalist or the People's party are also frankly dissatisfied with the two appointments.

The position briefly is this. If Dr. Ba Maw and his entire party support the two Ministers, any censure motion will fail. If, on the other hand, Dr. Ba Maw and his party join hands with the other two major parties, the motion is bound to be carried. The most interesting feature of the situation is the fact that Dr. Ba Maw's party, from all accounts, is divided into two sections over this question. Out of roughly 20 members, about 12 members, including Dr. Ba Maw, will oppose the censure motion. The remainder will, unless they felt bound by the rules of the party, support it. If the censure motion is carried, it will put the Burma Government in a quandary. On the other hand, if owing to the support of the two Ministers by Dr. Ba Maw and his party, the censure motion fails, it will be the political end of Dr. Ba Maw.

### Dr. Ba Maw's Statement

Dr. Ba Maw issued a lengthy statement to the press criticising Mr. Kyaw Myint's statement from Delhi:—

He says his party is so used to Mr. Kyaw Myint's attacks since his severance from the party, that they take them as a matter of course. Mr. Kyaw Myint has assumed the character of a minor prophet, but there will be no doubt that Mr. Kyaw Myint is always sincere. The Doctor proceeds: They entered the council with the single purpose of achieving a constitution in strict accordance with their Anti-Separationist policy. All other matters were merely subsidiary; no amount of arguments based on personal records whether accurate or not could make them depart from their policy and mandate. As practical men they are also forced to consider the consequences of their attitude towards the present Ministry. As Nationalists they have always to face the fact in the present circumstances. It is really regrettable that Mr. Kyaw Myint, once a single-minded Anti-Separationist, has not given thought or word to Anti-Separation policy in his discussion of the present situation and has also not considered the ways by which any decision on the question of the present ministry could affect very seriously the Anti-Separationist policy and the alternatives to the present ministry. Mr. Kyaw Myint's statement that his party is divided on the question of the present ministry is incorrect and also the statements that U. Chit Hlaing's party is the strongest with about twenty members and are frankly against the working of dyarchy. The Council records would show that his party's voting strength is twenty-one. Mr. Kyaw Myint knew, like others, that U. Chit Hlaing had accepted the election of the president of the Council and his party had made strong attempts to seize the ministry.

**23rd. FEBRUARY:—**To-day's Council proceedings were marked by the lady councillor *Daw Hnin Mya's* cut motion reducing by Rs. 100 the demand for Rs. 503. 130 for the registration department.

The *Home Member* was attacked with a volley of questions, when he replied to U Maungyi who moved reduction of Re. 1 when demand for subordinate officials to the extent of Rs. 3,831,190 was made. Members complained of harsh treatment by officials while collecting 'Thathameda and Capitation taxes.



**Salaries of Ministers—Reduction Motion**

**24th. FEBRUARY :—**The Council resumed discussion on the *Forest Minister's* demand for grant of Rs. 14,658,950 to meet the expenditure of his Department.

Thirty-six cuts were tabled the majority of which were withdrawn.

A member of the People's Party moved a motion fixing the Ministers' salary at Rs. 2,500 on the ground that the country's financial position did not permit high salary. He referred to Mr. De Valera's salary and remarked that Ministers' salaries here were exorbitant.

*U. Chit Hlaing* supported the motion and appealed to the Ministers to be patriotic and give a lead to others by accepting reduced pay. Otherwise he said the country would think that the Ministry was greedy and unpatriotic.

The Education Minister, *U. Kyaw Din*, said if the country wanted them to accept less salary they would agree but not through this particular motion which was moved because a particular party wanted the Ministry. He pointed out that no such motion was moved by the People's Party when the members of that party occupied the Ministerial chair.

*Mr. Stoneham* informed the House that they would vote against the motion in view of the fact that Government were going to appoint a retrenchment officer.

A Member of Dr. Ba Maw's Party opposing the motion said that if the motion was carried it would affect the separation and federation issue to which *U. Chit Hlaing's* group cried "no".

Dr. Ba Maw's party voted with the Ministers thus defeating the reduction motion.

The *Forest Minister* opposing the motion for reducing salary by half said that it was personal and asked if the question was one of economy why did the agenda include a "no-confidence" motion. The motion when pressed to a division was lost, voting being 43 against 56.

The debate then ensued on the motion expressing no-confidence in the *Forest Minister*, Sir Joseph Maung Gyi.

**No-Confidence Motion against Forest Minister**

*U Soe Nyun*, Member of the People's Party, then moved that the Ministers' salary be reduced by one rupee to express "no-confidence" in the *Forest Minister*. The speaker expressed surprise that the Minister was occupying his seat during the discussion and said he moved this motion not because he hated Sir Joseph but because he loved his country. The Ministers' Party consisted of ten members. So it was not right that it should rule the country with the help of official votes. At the recent election the Ministers' Party suffered a heavy defeat indicating the Party's unpopularity but in spite of this Sir Joseph was nominated Minister. Moreover, Sir Joseph's party included Anti-Separationists. The speaker concluded that the Ministry was unpopular and hence should be removed.

Another member of the People's Party, supporting the motion, said that Sir Joseph enjoyed the privileged positions since the reforms but none knew his policy. After criticising the Minister's tour prior to election at Government expense, the speaker remarked that in forming the present Ministry the Government acted unconstitutionally.

The *Home Member*, refuting the charges against the Governor, narrated the incidents prior to the formation of the Ministry informing the House of the Governor's interviews with party leaders and offers made for formation of Ministry. He said that Dr. Ba Maw, *U. Chit Hlaing* and *U. Ba Pe* all refused to form Ministry but being assured of Dr. Ba Maw Party's support to the present Ministry, His Excellency nominated the Ministers.

*U. Chit Hlaing* supported the motion and admitted that H. E. the Governor sent for him and told the House what transpired at the interview. He said that he informed His Excellency that he (the speaker) liked to stay outside the Ministry to serve the country better.

He also told him that his party did not support Sir Joseph on account of his pro-Government views. The speaker said that he supplied the Government with a list of the party strengths according to which his was the majority party at that time and complained that Government acted unconstitutionally in not having consulted his party prior to the nomination of Ministers.

*Dr. Ba Maw* opposed the motion and narrated his interview with the Governor whom the speaker informed of his unwillingness to form a Ministry in accordance with party policy. When the Governor enquired whether he would support if the Ministers were chosen from other parties the speaker replied that his party entered the

Council with the object of obtaining the future constitution in accordance with the Anti-Separation policy and he would support the Ministry so long as the Ministers' policy did not clash with their policy. The speaker remarked that it was better to maintain an Anti-Separation Council. His party would never coalesce with the People's Party but try to keep out of that party.

*U. Ba Pe*, leader of the People's Party, supporting the motion, criticised Dr. Ba Maw's attitude and policy accusing him of inconsistency and remarked that U Chit Hlaing always did what he said.

Several speakers joined in the debate which was adjourned till to-morrow.

#### GRIEVANCES OF BURMESE WOMEN

During discussion on the Budget cuts on the Home Member's demands the lady member *Daw Hnin Mya*, moved a token cut to discuss the position of Burmese Buddhist women when they married non-Budhists. Rising amidst applause she pointed out the disabilities over succession and inheritance that Burmese women at present suffered and in many cases women were left destitutes. The Government the other day justified the exodus to hill station on the ground of health. She would say that for the sake of health and prosperity of these women, who married non-Budhists and suffered later, Government should undertake legislation to ensure them the rights of married wife. Several Burman members supported the motion. The *Home Member* opposing said the question involved many difficulties but they were not unsurmountable and assured them the Government's sympathetic consideration to the question but despite this assurance the motion was pressed to a division and carried.

The House passed the Home Member's demands, less cuts, amounting to over Rs. 100,000 inflicted on several motions.

**25th. FEBRUARY** :—The Council resumed the debate on the 'no-confidence' motion against the Forest Minister arising out of a token cut by *U. See Nyum* of the People's Party. After about three hours' debate, the House rejected the motion by a majority of thirteen votes. Several Burmese members supported and opposed the motion.

Mr. *Ganga Singh* supported the motion while *Khan Bahadur Walli Mohamed* opposed opining that Sir Joseph was the best man for the post.

Mr. *Booth Graveley*, Chief Secretary, speaking on the constitutional aspect of the question, said that it was of paramount importance at the moment that there should be a stable Government and stable Ministry. The speaker said that no single party in the House could form a Ministry without coalition. As long as the Ministry commanded the majority in the House, it was constitutional. A coalition Ministry in the present circumstances was inevitable.

Mr. *Soe Nyun*, the mover, replying to the debate, remarked that Sir Joseph had no policy and had a blank mind on the question of Separation.

*Sir Joseph*, winding up the debate, observed that during the last ten years he had done his best to serve his country. If he had committed mistakes, they were honest ones.

The motion was then pressed to a division and lost, 42 voting for and 55 against. Four Europeans, two representing the Burma Chamber, one the Trades Association and one nominated, remained neutral.

After lunch, Mr. *Campagnac* representing the Anglo-Indians moved that the Forest Minister's salary be refused and urged the abolition of the Ministry on the ground that Ministers had no work to do. Besides, he said that the country's financial position did not permit the maintenance of the Ministry. The speaker criticised Dr. Ba Maw's policy characterising it as inconsistent and as changing very often and asked Dr. Ba Maw's Party not to support the Ministry, but support his motion and end dyarchy.

Mr. *Wilkie*, Education Secretary, opposing the motion, pointed out that the constitution under which they functioned provided for Ministers to administer transferred subjects except in the case of an emergency when the Governor should take over charge. The mover was wrong in thinking that there was lack of work for Ministers who could economise the departments under their charge.

The motion was pressed to division and lost by a majority of nine.

Discussion on some other "cuts" was proceeding when time being up, the President put the Forest Minister's demand to the House which was carried by a majority of nineteen votes without effecting a single "cut."

## MOTION OF CENSURE ON EDUCATION MINISTER

The *Education Minister* then moved for grant of Rs. 1,44,95,390.

Mr. H. C. Khoo, Chief Whip of the People's Party, moved a token cut to express "no-confidence" in the Education Minister. He said that the Minister had no party and had no following.

The mover was supported by other members, including those of U. Chit Hlaing's party, but the members of Dr. Ba Maw's party opposed it. The debate was proceeding but as the clock struck five, the President put the entire demand which was carried without a division. Thus all the "cut" motions were guillotined.

## ADJOURNMENT MOTION ON HOARE STATEMENT

The President then informed the House that Mr. A. N. K. Ganni had given notice of an adjournment motion in the afternoon desiring to bring to the notice of His Majesty's Government the general dissatisfaction and anxiety created in Burma by Sir Samuel Hoare's statement on 13th February in regard to the motion passed by the Burma Legislature on 22nd December and requesting that the earliest possible opportunity should be given to the Council to consider any action His Majesty's Government contemplated taking in regard to Burma's future constitution. The President informed the House that the Home Member had consented and that H. E. the Governor had agreed to extend the Council sittings for two days for discussion of the above motion.

U. Ba Pe wanted to make a statement but the President disallowed it, saying that the motion had not been yet moved. The President adjourned the Council till the 27th.

## FUTURE OF BURMA

**27th. FEBRUARY.**—When the Council resumed its sitting to-day, Mr. Ama Kareem Ganni, who had tabled a motion on the future of Burma, desired to know before moving it whether the Government had any statement.

The *Finance Member* read out to the House the question put by Mr. Hannon in Parliament regarding the Burma Council decision of the 22nd December and Sir Samuel Hoare's reply thereto on the 13th February.

Explaining the Local Government's position, the Finance Member said that it appeared to the Local Government that the last portion of the Council's resolution contained a request for a conference to be called at an early date for the purpose of determining Burma's future constitution either as a separate unit or as a unit of the Federation on certain terms. If this Council elected for separation with the constitution offered by the Premier, His Majesty's Government would endeavour to secure from Parliament an opportunity for a separate Burma delegation to discuss the details of the proposals with the Joint Select Committee, but His Majesty's Government were not prepared to hold a conference to discuss the whole range of Separation versus Federation with conditions. The Council resolution asked that, in the constitution of separated Burma, provision should be made for transfer to popular control of at least the same measure of responsibility and the same subjects and power as transferred in the Indian Federation. The Finance Member referred the House to his statement of the 19th December and said that the transfer of control for Burma would correspond closely with that in India. The Council would be able to make a comparison itself with the full Indian proposals to be shortly published in the White Paper.

With reference to fixing a definite date for the transfer of complete responsibility, the Finance Member said that it was impossible to fix such a date either in India or Burma, but His Majesty's Government would abide by the Premier's statement at the Burma Round Table Conference on the 19th December 1931. Declarations with regard to India also applied to Burma.

With regard to the Council's resolution that Burma in the event of declining separation should be allowed to enter the Federation, on special terms, the Finance Member pointed out that uniformity of treatment of Federal units in Federal matters was the essence of the Indian proposals. If Burma entered the Federation, His Majesty's Government considered that no differentiation in her favour was possible. If the right to secede was given to one unit, it must be given to all, and this was an impossible basis for the establishment of a Federation. Even if, for argument's sake, the possibility of Burma seceding by consent from the Federation at some future date was assured, the position at that date would be what it was now, and



Burma's constitution and position after secession, would still remain for determination by His Majesty's Government and Parliament.

The Council adjourned till the next day to enable the members to study the statement. The People's Party and Chit Hlaing's Party *en bloc* did not attend the Council.

#### MR. GANNI'S MOTION

**28th. FEBRUARY :—**After the Council resumed its sitting to-day, the President called upon *Mr. Ganni* to move his motion.

*Mr. Ganni* asked for a ruling whether they could criticise and express their opinion on the Finance Member's statement made yesterday.

The *President* said that the motion before the House was to discuss and express an opinion on the Secretary of State's statement made on the 13th February, and also to make a request to convene a special session of the Council to consider what action His Majesty's Government contemplated taking in regard to Burma's future Constitution. That was the only matter on the agenda to-day. The Finance Member had made an important statement the previous day in regard to the conditions on which Burma could or could not enter the Indian Federation. That statement was made in the absence of more than half the Council members. No notice had been given for the discussion of that statement. Therefore, he was compelled to rule that there could not be and should not be any discussion whatever on the Finance Member's statement. He had no doubt that if the House desired to discuss the same in the future, the Government would give them special facilities.

*Mr. Ganni* then asked that the House be adjourned for an hour in order to enable him and the members of his party to consider whether he should move his motion. The sitting was suspended accordingly.

When the Council resumed, *Mr. Ganni* moved his motion. He said that yesterday he asked Government on behalf of his party to make a statement on the subject. Their intention in doing so was to elicit from Government a full and correct statement of the Secretary of State. Government not only gave such a statement, but went further to make a reactionary declaration with motives best known to them.

The *President* intervened and asked the mover not to criticise Government's statement.

*Mr. Ganni* proceeded that the President ruled that they could not criticise or express opinion on the Government statement. He was sure that when Government made a statement it was understood fully that the house would have the right to criticise it, else it would not have undertaken to make a statement and circulate it. He did not question the President's ruling, but the effect was that Government took the opportunity of making a declaration of views, fully protected from obvious attacks of criticisms from his party. Continuing he said on behalf of Doctor Ba Maw's party he desired only to state that "we are anti-Separationists, and Government must know that we have not rejected the federal alternative, contained in the Premier's term of reference. As we are, however, prevented from discussing fully these matters by the President's ruling, our party feels that no useful purpose can now be served and indeed it will be dangerous, if we proceeded with the debate with our hands tied in this manner. Under these circumstances I only move the motion without any speech."

A Burmese member of Dr. Ba Maw's party associated himself with *Mr. Ganni's* remarks. *Mr. B. N. Das* on behalf of anti-Separationists also supported *Mr. Ganni*.

The motion was carried without a dissentient voice. The Council was then *prorogued*.

#### SPECIAL SESSION—RANGOON, 25th. APRIL to 6th. MAY 1933

##### Burma's Future—Separation or Federation

Tense excitement marked the opening of the special session of the Council, at Rangoon on the 25th. April, called to consider the important question of Separation or Federation. The precincts of the Council Chamber were guarded by the Police. Attendance in the House was full.

Replying to a member, the *President* explained the procedure to be followed during the debate. He stated that the special session was called at the request of three party leaders, *U. Chit Hlaing*, *Dr. Ba Maw* and *Sir Joseph Maung Gyi*, to consider the question of Separation or Federation. After reading the party leaders' letter to the Governor, the President said that eight motions had been received dealing with the question of Separation or Federation, and he had placed two motions suitable for discussion at the beginning, the first being one for Separation tabled by *U. Ramri Maung Maung* and *Sir Joseph* and amended by *U. Maung Gyi*, while the second was for Federation, tabled by *Chit Hlaing* and *Dr. Ba Maw*. During the discussion of the first motion, members could move any amendments, and if that motion was carried, the other motions would not be in order for debate, but if the first motion was rejected, then the Council could proceed with the discussion of the second motion of *U. Chit Hlaing* and *Dr. Ba Maw*.

The *Finance Member* then laid on the table a statement of the financial consequences of separation.

*Ramri Maung Maung* then moved:—"This Council, realising that the only alternative to Separation is permanent inclusion in the proposed Federation of British India, reaffirms the resolution passed in the last Council opposing Separation on the Premier's constitution; opposes Burma's entry into Federation on the basis of the White Paper constitution; and in pursuance of the policy of opposition to Separation until a constitution affording a basis for the attainment of full responsible Government is obtained, the Council requests the Government to convene a fully representative conference, with Parliamentary representatives, to formulate a constitution affording a basis for the automatic growth of Burma towards full Responsible Government as a separate political entry within a responsible period."

An interesting situation arose over the amended motion moved by *Ramri Maung Maung*, whose original motion asked for separation and a fresh conference to decide the constitution. *U. Maung Gyi*, Anti-Separationist, had tabled on the previous day an amendment which though not moved in the Council, was by mutual agreement incorporated in the original motion.

The mover, moving the amended motion, informed the House that *U. Maung Gyi*, whose name appeared in the order paper along with the mover and *Sir Joseph* had intimated them that he did not want to associate himself as a supporter of the amended motion.

*Ramri Maung Maung* said that the proposals in the White Paper and the Premier's constitution, were similar. Burma once federated could not get out. When Burma wanted to get out of the Federation, they would have to undergo the same difficulties as at present. So, it was better to settle their constitution, details of which could be worked out at a conference.

After *Ramri Maung Maung* had moved the amended motion, *U. Chit Hlaing* raised a point of order, observing that the last portion of the motion regarding the convening of a conference was out of order, but the President overruled it.

*Doctor Ba Yin* raised another point of order saying that a similar motion was discussed last session, but the President disallowed the objection.

*Ramri Maung Maung* occupied half-a-day speaking in Burmese. In the course of his speech he pointed out the economic disadvantages that would result by entering the Federation and declare his conversion to the separation creed.

*U. Thin Maung* (People's Party) spoke for the rest of the day decrying Federation, and emphasising the dangers of Indian domination in every sphere.

The debate was at this stage adjourned.

**26th. APRIL:**—*U. Thin Maung* concluded his speech to-day saying that Burma would not attain Dominion Status if she is federated, and that it was not true to say that the separation question was sponsored by the British Government.

*U. Ba Shwe* (Anti-Separationist from Mandalay) pointed out that by accepting separation, they would fall into a pit. For the present, he said, Federation was most desirable, and Burma stood to gain considerably by it.

*Prof. Tun Pe*, while maintaining that the motion before the House was incomprehensible, advocated separation. He ridiculed the idea of entering the Federation on the basis of the White Paper, which had been rejected by the Congress.

*Sir Joseph Maung Gyi*, Forest Minister, speaking in his capacity as an elected member, said that he had agreed to petitioning the Governor for a special session, because *U. Chit Hlaing* and *Dr. Ba Maw* had assured him that they were against permanent Federation. His party did not desire Federation at any price. Rejection

of the present motion, to which his name was subscribed, meant acceptance of permanent Federation which no Burman, including U Chit Hlaing and Dr. Ba Maw, wanted according to their speeches in the December session.

The speaker concluded with a solemn warning to the members. "The people of Burma would not listen hereafter, for one moment, to any excuse that a member voted because his leader U Chit Hlaing or Dr. Ba Maw directed or persuaded him to do so. I warn him that it is his solemn duty to decide for himself what course is best for the country and the people at this moment when the destinies of Burma, perhaps for many centuries, are at stake. Burma's destinies lie in the hands of Parliament".

Two Anti-Separationists spoke favouring Federation, while a Separationist condemned Federation. The Council then adjourned.

It was understood that the party leaders were attempting to table a new motion opposing Separation on the basis of the Premier's constitution, as well as the White Paper proposals, without any other demands attached thereto. The leaders' meeting in the evening proved abortive, one leader disagreeing.

**27th & 28th. APRIL :—**When the Council resumed its sitting on the 27th. *U. Kyaw Din*, Education Minister, asked the President to adjourn the House to the next day as the leaders were still discussing the situation. He said that he was quite sure, that the party leaders were nearing a common basis of understanding, and he was almost certain that if further time was granted for the leaders to consult their parties, they could come to an understanding. There being no objection, the President adjourned the House till the 28th.

The members in groups continued discussing the situation, and the party leaders held a conference in the evening, but they failed to arrive at an agreement. Thus negotiations broke down. The Council resumed its sitting on the 28th. when, after interpellations, *Mr. Tyabji* asked for permission to move an adjournment of the House to consider the charge of bribery made against the members of the Council in general in the question put yesterday, but the President disallowed it, saying that it was against the standing orders.

The *President* then enquired of the Education Minister whether they were able to come to an agreement, where to the Minister replied regretting that they had failed to do so.

The debate on *Ramri Maung Maung's* motion, moved on the 25th instant, was then resumed.

*U. Ba* (People's Party) advocating separation, pointed out that they wanted separation not because they hated India or Indians but to advance the country's interests.

*Mr. C. H. Campagnac* (Anglo Indian) supported separation, but expressed his surprise that the motions before the House were not direct either for separation or federation. If anything, they meant that Burma wanted separation, with something more than was offered by the Premier. The underlying principle of Federation was to enable the different States and races in India to become one nation. If Burma entered Federation, she must give up her nationality, and become part of the Indian nation. The speaker asked the Anti-Separationists whether that was their desire. The Premier's offer was not the last word on the subject. Separation afforded many facilities for the country's prosperity, whereas Federation would not. He asked the members not to beat about the bush, but to say whether they wanted separation or federation.

*U Po Mya* (Anti-Separationist from Arrakan) favoured "separation from England, and Federation with India for eternity."

*Dr. Ba Yin*, ex-Minister (Anti-Separationist) was speaking, when the Council adjourned.

**29th. APRIL :—**When the Council resumed its sitting to-day, the President informed the House that at the party leaders' meeting, held yesterday, it was unanimously agreed that the extension of the present session was essential to decide finally the question of Separation or Federation.

The *President* observed that he had received a letter from H. E. the Governor stating that the session had now lasted for four days, and it seemed desirable to fix some limit. His Excellency understood that some leaders were unanimous in thinking that by the 6th of May the Council would have had ample opportunity to carry out the purpose for which the session had been called, namely, to give a



clear and direct reply to the choice of alternatives offered by His Majesty's Government. His Excellency, therefore, requested the President, if the business was not finished before the 6th May, to promulgate His Excellency's order proroguing the Council.

The *Finance Member* asked the President whether he contemplated fixing a limit to the length of the speeches.

The *President* replied that the rules did not empower him to do so.

On the debate being resumed, three Separationists and four Anti-Separationists spoke covering the whole day.

*Shwe Ba* (Round Tabler) favoured separation. *U. Tun Lin* (Separationist) pointed out that all lands were now in the hands of money-lenders, and after separation the lands would come back to Burmese hands and he cited Ireland's examples.

Anti-Separationist speakers disliked the attacks levelled against Indians by Separationist. The debate was adjourned till the 1st. May.

**1st. MAY:—**In spite of the fact that the Council had already spent five days over the discussion of the question of Separation or Federation, the debate on the first of the eight motions tabled remained still unfinished. When the sitting was resumed to-day, *U. Chit Hlaing* asked the President what would happen to the other motions in case the present motion under discussion was not voted upon before the 6th.

The *President* replied that the Council would be prorogued and that means that the Council has given no decision on any motion. (Laughter)

It appeared doubtful, owing to the lengthy speeches mostly by Separationists, whether the next motion by *Chit Hlaing* and *Dr. Ba Maw* could be moved, as notice of several amendments to the present motion has already been given by Separationists, none of which have yet been moved.

To-day two members of the People's Party occupied the whole day. *Soe Nyun* spoke for nearly four hours, but he had not finished his speech when the Council adjourned till the next day. *Soe Nyun* observed that people who were trying to force Burma into the Federation unconditionally and perpetually, were committing a fraud. The country did give such a mandate to the Anti-Separationists. The general election was a blunder and the issue had not been put fairly before the country.

The Anti-Separationists had exploited the unsatisfactory features of the Premier's constitution. The speaker challenged the Anti-Separationists to show any difference between the White Paper and the Premier's constitution. He also criticised His Majesty's Government for not calling a conference after the December resolution was passed. The speaker observed that Indian politicians were reticent regarding the right of secession and the Congress resolution thereon was vague. Quoting at length, from the Assembly speeches regarding secession should be on terms acceptable by Federation. The speaker remarked that Burma would be then in an awkward position when the time came to secede.

**2nd. MAY:—**In the Council to-day, when the discussion on Mr. *Ramri Maung Maung's* motion was resumed, the whole day was occupied by three members of the People's Party, who advocated separation pointing out that transfer of central subjects would result in advantages to Burma. The third speaker had not finished his speech when the Council adjourned.

#### COMMUNICATION TO THE PRESIDENT

Forty-five Anti-Separationists addressed a letter to the President requesting him to expedite discussion on the first motion, so as to enable other motions to come up for discussion by the Council. They also cabled to the Secretary of State and the Viceroy, pointing out the obstructionist tactics adopted by separationists, and praying for their intervention so as to enable the Council to come to a definite decision.

The *President* informed the House in the afternoon that he had received a communication signed by several members many of whom were now absent but he did not disclose its nature. He said that he would deal with the matter on the next day.

#### CABLE TO WHITEHALL

*U Chit Hlaing* and *Dr. Ba Maw* sent the following telegram to the Secretary of State, H. E. the Viceroy and Governor of Burma:—

"Forty-one non-official members of the Legislature to-day have written to the President, drawing his attention to the attempts made to adopt a procedure which would prevent the Anti-Separationists, who form a large majority, from even reach-

ing their motion on the 6th May, on which His Excellency has authorised the President to prorogue the Council. Please keep in touch and see that such flagrant abuse of constitutional procedure does not end in defeating the whole purpose of the session, specially convened to give a direct definite reply to the British Government".

#### PRESIDENT'S OBSERVATIONS

**3rd. MAY :—**When the Council resumed discussion to-day on the constitutional issue, the *President* observed that he had received a communication, the same as that published that day in extenso in "The Rangoon Mail". After reading out the contents, the President said that the documents should not have been given to the Press.

The President next read out the telegram sent by Dr. Ba Maw and Chit Hlaing to H. E. the Viceroy and others, and said that this also had appeared in the local Press but perhaps it was done through ignorance. This was contrary to all constitutional practice. The President thought that it was done to influence the members and the chair. After explaining the rules and standing orders the President informed the House that he had no power to prevent amendments coming in, nor could he allocate days but pointed out that the constitutional way open to Federationists was to put their motion in the form of an amendment to the first motion. Regarding the communication and the telegram and also their publication, the President suggested to the Leader of the House to convene a meeting of party leaders to come to an agreement.

*Dr Ba Maw*, explaining the position, said that the Chair had used the words that the members had done so ignorant of the standing orders. Dr. Ba Maw remarked that the Chair was at liberty to use any terms but their action was not due to ignorance but due to the prevailing conditions. The House had forced them to send such a communication. It was a consideration of their higher duties that compelled them to cable to higher places. The step was taken under desperate circumstances. He thanked the President for pointing out the constitutional way of moving an amendment but he refused to do so, saying that they who had been returned by over four lakhs of voters had the right to have their motions discussed and decided in the House.

*U Chit Hlaing* said that during the December session, several motions were discussed. A decision on all motions were reached in four days and two nights, while the debate on the first motion was, in the present session, proceeding for over six days. Thus, having no other course open to them, they addressed a letter to the President. Regarding the publication of the letter and telegram the speaker asked the Chair to point out the ruling which disallowed it and said that the public had a right to know what was going on in the Council. As they were responsible for the present session they did not want the session to end in chaos as was the case in December last, when the speaker was President. He suggested that the Council should give a direct answer, but he did not approve of the incorporation of amendments in the original motion as it would result in confusion of issues. The British Government had stated that the December resolution was neither for separation nor federation.

*U Ba Pe* stated that he was disappointed with the speeches of Chit Hlaing and Dr. Ba Maw and asked them to adopt the constitutional way rather than other tactics.

The *Finance Member* stated that he would be glad to hold a meeting of party leaders and do what the President had suggested but he thought that both *U Chit Hlaing* and *Dr. Ba Maw* were under a severe misconception regarding the procedure of the House which he would discuss with them later.

The debate on *Mr. Ramri Maung Maung's motion* was then resumed.

*Mr. M. M. Rafi* observed that much racial animosity had been introduced in debating a constitutional matter, and Indians were made the target of attack. He could understand Burmans when they attacked the Indians, but he could not tolerate attacks by the Anglo-Indian member, *Mr. Campagnac*, who had stated with great solicitude for Burmans, that the Burmese nation would be submerged by Indians, if Burma joined the Federation. *Mr. Rafi* said that the Indian population was not increasing, whereas Anglo-Indians were increasing in numbers and were enjoying a big slice of Government appointments and of appointments in firms. In support, he quoted the Anglo-Indians' Memorandum to the Simon Commission. Indians paid taxes and supplied labour and money for agricultural purposes, and he asked what the Anglo-Indians had done. India gave religion, culture and.

language to Burma. The speaker supported Federation, remarking that the country's salvation lay not in isolation, but in co-operation.

Mr. *L. C. Khoo*, People's Party, moved an amendment, opposing unconditional and perpetual Federation. *U Ni* (Round Tabler) pleading for separation, occupied over three hours, but had not finished his speech when the Council adjourned.

#### COMMUNICATION TO PRESIDENT

In their letter to the President of the Legislative Council, *Dr. Ba Maw*, *U Chit Hlaing*, his sister *Daw Hnin Mya* and thirty-eight other M.L.C.'s, including seven Indians, said that the special session of the Council was convened for the express purpose of giving a definite reply to the British Government in regard to Burma's choice of the alternatives offered by the Premier. In pursuance of the declared purpose of the various motions tabled, after two days' debate on the first motion and also after the failure of the attempt to arrive at an agreed resolution, the leaders intimated to the President on the 28th April that in view of the progress made and also of the pace at which the debate was proceeding it would be possible to finish the session on 6th May and presumably owing to this information His Excellency authorised the President to prorogue the Council on 6th May.

The communication proceeds: "In your discretion, you have given priority to the separation motion, and we regret to observe that you have admitted quite a number of amendments to the two main motions, which can only have the effect of confusing the issues and preventing the Council from giving a straight and direct answer to the British Government's question regarding the future constitution of Burma." The letter continued: The number of fresh amendments tabled by Separationists would only result in defeating the sole object for which the special session has been convened. If, in addition, the discussion on Mr. Ramri Maung's motion is allowed wilfully and deliberately to drag on without control from the Chair it would not merely constitute an attempt to frustrate the main and only purpose of the present session, but the movers and supporters of anti-Separation motion, who constitute the majority of the House, will be prevented from recording a direct and definite decision in the House.

The signatories requested the President to control the debate and allocate the remaining days to provide an equal opportunity to the parties to have their respective motions sufficiently discussed. In view of the fact that the first motion had been discussed for five days, the signatories suggested that the remainder of the time should be made available for due consideration of the other motions before the House.

4th May:—Mr. *S. A. S. Tyabji*, speaking on the Separation-Federation question to-day, said that Burma would be in a worse position after separation than at present. He pointed out that the Government's latest memorandum was based much on probabilities, and the country would be in an advantageous position by Federation.

A member of *Dr. Ba Maw's* Party moved an amendment to Mr. Ramri Maung's motion, as suggested by the President the previous day, to enable the party motion to be discussed.

The amendment, to which the Chit Hlaing Party subscribed, was to the following effect: "This Council opposes separation of Burma from India on the basis of the Premier's constitution. The Council is also of opinion that the White Paper proposals are inadequate and unacceptable. The Council while recommending that between the two alternatives offered by the Premier, Burma should remain part of India, demands adequate facilities for modification of the White Paper constitution in the interests of Burma".

Replying to a member of the People's Party, the President ruled the amendment to be in order.

The mover of the amendment asked the President to hold a night-sitting to enable the Council to come to a definite decision.

*U. Ba Pe*, commencing his speech at 12-45 p. m., was speaking when the Council adjourned. He strongly favoured separation. The speaker criticised the local Indians' attitude, and "other mischievous propaganda", and insinuated that Indians were "bribing" the Anti-Separationists for entering Federation. His Party would exert its utmost in favour of separation. He supported immediate separation.

5th. MAY:—In the Council to-day, *Dr. Ba Maw* requested the President to appeal to H. E. the Governor to extend the session, thus affording time for Anti-Separationist speakers to come to a definite decision on the subject.



The separationist leaders *Ba Pe* and *Sir Joseph Maung Gyi*, and also *Mr. Richards* of the Burma Chamber opposed the application.

The *President* intimated that he would immediately communicate with His Excellency.

*U Ba Pe* then resumed his yesterday's unfinished speech. He alone occupied the whole day, but had not yet concluded his speech when the Council rose. The speaker resented outside Indians with no interests in the country interfering in Burmese affairs, and also complained that the Indian tariff policy affected Burma's prosperity adversely. A big side of Burma's revenue went to India and at this rate Burma could not get out of her debts to India. It was a sad mistake, the speaker observed, to think that Indians would help Burma to attain Home Rule. He described Indians' "apathetic" attitude to Burma, when *Mr. Montagu* visited India to form the Reform proposals.

**6th. MAY :—**Punctually at 4-30 P. M., while an Anti-Separationist was speaking, the President read His Excellency's message proroguing the Council session, the debate thus ending in no decision being arrived at on the separation question.

*U. Ba Pe*, Leader of the People's Party, who was speaking for the last two days concluded his speech to-day after being on his legs for two hours. He criticised Indian attitude, both local and outside, and said that bribes were paid to influence the decision in favour of Federation. Referring to "Indian exploitation", the speaker said that Indians excelled Europeans, as the latter stayed in the country only in high positions, whereas the former had been grasping all positions, high and low. It was not a fact that all the Europeans in the province wanted separation. European capitalists did not like separation, while the bulk of the European population with a small capital favoured separation.

*Mr. C. G. Woodhouse* (Burma Chamber of Commerce), supporting separation, wanted people outside to disabuse their mind of the idea that his constituency was in any connected with, or was responsible for, the publication of the Government statement on the financial consequences after separation. It was published in fulfilment of the Premier's promise at the Burma R. T. C. The figures given in the statement were based on surprises and assumptions. After dealing with the figures the speaker pointed out that Burma after separation stood to gain Rs. 150 lakhs and later on more. Referring to the Indo-Burma trade after separation he did not think that India would go elsewhere for her supplies, which were easily obtained from Burma, and added that it would help both the countries to follow the present trade policy after severance. He did not think Burma's credit would suffer if her budgetary equilibrium was properly maintained by the future Finance Members.

*Dr. Ba Maw* made a statement with reference to the President and the telegrams to the Secretary of State, H. E. the Viceroy and the Governor sent by him.

*U. Chit Hlaing* said that he wished to remove the misunderstandings that the documents had created among the member of the Council. They were not intended against the President, but only against the procedure adopted in the debate. They did not approve of the publication of the communication in a local paper.

The House accepted *Dr. Ba Maw's* explanation.

*Mr. C. P. Khin Maung*, Chief Whip of *U. Chit Hlaing's* party, addressing the Council, deprecated the attacks against the Indians. Their mandate was to bring in the Federation issue. The country's decided verdict was that there could be no separation till Burma was granted Dominion Status. The speaker said that *Sir Joseph* wanted to stand on the separation ticket in Moulmein constituency, but finding the place too hot for the Separationists, he stood for Mergui. Despite the help given by the Government officials, the result of the general election showed that the country was against separation. The speaker had not concluded his speech, when the Council was prorogued.

Immediately after the *President* had prorogued the Council, the Anti-Separationists handed to the Council Secretary a memorandum, which pointed out that if a decision was taken, the anti-separationists were sure about the defeat of the separation motion. The President informed the House that he could not take notice of the Memorandum, as the Council had been prorogued.

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# THE ASSAM LEGISLATIVE COUNCIL

BUDGET SESSION—SHILLONG—6th. MARCH to 24th. MARCH 1933

## H. E. THE GOVERNOR'S ADDRESS

The Budget session of the Assam Legislative Council opened at Shillong on the 6th. March 1933 under the Presidency of *Maulvi Faiznur Ali*. H. E. Sir Michael Keane, the Governor, addressing the Council said that he had represented the position of the province to Sir George Schuster, and the latter, although adamant on some matters, seemed to realise that in financial arrangements for the new constitution, the position of Assam would have to receive special consideration and arrangements would have to be made to provide her with financial resources essential to her proper development in future. Referring to the Budget, the Governor said that 1932-33 was likely to close with a deficit balance of not more than 30 lakhs. The deficit would have been greater, but for the recent retrenchment measures, which resulted in a recurring reduction of 4 lakhs, most of which represented the curtailment of establishments. In respect of retrenchments, the transferred department had been spared, and expenditure on the education department had suffered the least.

Concluding, the Governor announced that the Council would be invited to appoint a non-official committee to review the present opium policy. In this connection, he remarked that the policy was temporarily aided by the adherents of Non-co-operation, and His Excellency was ready to extend his sincere appreciation of the results of their efforts, whatever might have been their motives.

## FINANCIAL STATEMENT FOR 1933-34

"The province will, according to the estimates, run on a deficit of Rs. 30 lakhs" said Sir Syed Muhammad Saadulla, Finance Member, presenting the budget estimates for 1933-34. The drop in revenue was spread over taxes on income tax, excise, stamps, forests and registration. The Finance Member added: "Again we start with a distressing budget balance the deadweight of debts to the provincial loans fund with the Central Government, consisting of an accumulated total of Rs. 39 lakhs on account of provincial over-drafts, and Rs. 56 lakhs on account of communications."

Continuing, the Finance Member stated that they expected to collect Rs. 2,07,35,000 under revenue head and Rs. 7 lakhs under capital revenue. There was also an item of Rs. 1,80,000 as provincial subvention from the Central Road Board Development account. The expenditure figure stood at Rs. 2,41,88,000 under expenditure not charged to revenue and Rs. 6½ lakhs under expenditure not charged to revenue.

Concluding, the Finance Member pleaded for a more generous treatment by the Central Government, in view of her position as the eastern frontier of the Indian Empire. While the North-West Frontier Province received subvention of over a crore annually, Assam received only Rs. 16 lakhs towards the cost of the maintenance of the Assam Rifles Militia, guarding the Eastern Frontier and she was made to pay on an average 4 lakhs towards the cost of these forces.

**7th. MARCH** :—The Council passed to-day the *Assam Opium Amendment Bill of 1932* amending certain provisions relating to punishment which at present was lenient and also certain sections of the act considered to be defective as hampering the powers of preventive officers unduly. The *Excise Amendment Bill of 1932* was also passed amending the penalty sections of the E. B. and A Act I of 1910 as being as too lenient.

## GENERAL DISCUSSION OF BUDGET

**8th. MARCH** :—The Council discussed to-day the Budget for 1933-34. Mr. E. S. Roffey, the leader of the planting group, opened the discussion. He said that the Government of India was responsible to a great measure for Assam's insolvent budget, as she was not fairly and squarely dealt with for she paid 15 lakhs annual contribution, maintains the North-East Frontier and sixty per cent of the

estimated revenue from oil and petrol was absorbed by the Government of India. He declared that the present morbid condition of the province could not in any way be improved unless she got refund from the Central Government. *Babu Sanat Kumar Das* observed that the Government would do well if they would put into effect all the suggestions put forward by the Retrenchment Committee. The maintenance of this top-heavy and luxurious Government had brought the province on the verge of bankruptcy. He described feelingly how the taxes were being realised from the poor ryots who were hard hit by the demon of economic depression. Over and above this the Government was ever-awake to thrust the excise habits in them. *Rai Bahadur Nilamber Dutta* supported Mr. Roffey and added that the Government of India should take the entire financial burden for protecting the North-Eastern Frontier of India and the duties of petrol and kerosene should be fully allotted to the province, to save her from the impending ruin. *Sj Brindaban Goswami* enquired of the cause of the huge drop in the sale of country spirits and requested the Government to stop smuggling. He said further that there was still room for economy in the Forest and the Public Works Departments. *Rai Bahadur Nagendra Nath Chowdhury* said that since Burma asserted her rights she received an appreciable portion of her oil and petrol duties. Assam should forthwith proceed to resort to a similar policy without approaching the Central Government with begging bowl. The zemindars and the agriculturists were on the verge of ruin. The secondary education of Surma Valley was being deteriorated owing to the unwholesome policy of the Government while the communal policy had impaired the efficiency of administration.

Mr. *Rohini Kumar Chaulhury* complimented the Finance Member as having done his best. He said: "No other Finance Member could have done better under the circumstances". He was surprised to find that no remission was granted to Nishkhiraj Estates. He said that recovery in realisation of land revenue was due to leniency shown by Government. He admitted that there had been no oppression by forest employees. He complained of treatment accorded to political prisoners by way of food, etc. He complimented the Chief Engineer on the condition of the Gauhati-Shillong Road, and hoped that the North Trunk Road would also be looked after similarly. He criticised the high rates of passenger fares and freight charged by private companies and compared them with the very low rates charged in other roads.

*Babu Sanat Kumar Das* thought that retrenchments effected by Government were not enough, and drawing a doleful picture of the sufferings of the peasantry pleaded for relief by way of remission of agricultural loans, etc.

**9th. MARCH :—***Babu Jogendranath Goshain*, by way of further retrenchment, suggested abolition of one Commissioner and also abolition or keeking in abeyance for the present of the post of the Director and two Assistant Directors of Public Health, the lower portion of the staff being placed under the Inspector General of Civil Hospitals. He also suggested abolition of the post of Director of Agriculture, at present vacant, the department being placed under the Director of Industries. *Babu Atul Krishna Bhattacharjee* refuted the criticisms about high rates of passenger fares and freight charged by the Commercial Carrying Company, and said that it yielded a revenue of about one and a half lakh to the Government and gave employment to many in these days of unemployment. Mr. *Heathcote* strongly criticised the apathy of the veterinary department, which he criticised as the weakest of Government departments, for not availing of the offer of help of Rs. 10,000 from the Imperial Agricultural Research Council for veterinary investigation, though the offer was a year and a half old.

After Government members had replied the Council adjourned for the day.

#### NON-OFFICIAL RESOLUTIONS

**10th. MARCH :—***Maulavi Munawar Ali* moved a resolution to-day recommending to the Government of Assam to move the proper authorities to allot to Assam the entire income from the excise duties on mineral oils produced in the province. The mover believed that the Assam Government could without the previous sanction of the Governor General create by legislation a Road Board which would be a "Local authority" and could authorize that authority to levy a tax on the manufacture or issue of petrol and kerosene as on a trade.



Mr. *E. S. Roffey*, representative of the tea industry, supported the resolution strongly. He met the argument that the excise duty, being a duty on consumption, should belong to the centre by pointing out that the "consumer pays not only the excise duty, but also the royalty and the Company's profits. No one seeks to argue that the royalty and the profits should go to the centre. Why then the duty?" He then met the argument that the centre needed the duty for its solvency. He showed from the figures of the import trade of 1929-30, 1930-31, and 1931-32 that the imports of kerosene and motor-spirit had greatly increased in spite of the almost annual increase of the import duty on these products. He also mentioned the recent appearance of the Western India Oil Distributing Co. Ltd., in the Bombay market, selling Russian petrol at 12 as or 14 as per gallon. These facts should show that the import duties could be raised still further without seriously affecting the volume of imports. The Government of India can recoup itself for the loss of the excise duties by raising the import duties. The step would not only assist the oil companies operating in India, but also indirectly bring down the price of petrol in Assam which at present is high partly because of the uneconomical price at which indigenous petrol has to be sold in Bombay.

Many members held that Assam was not getting justice from the Government of India because it was a peaceful and law-abiding province, and gave them no trouble. Mr. *Rohini Kumar Choudhury* suggested secession of the Province from Federation and non-co-operation with the Government of India in case the demand was not granted.

The *Finance Member*, in winding up the debate, said that Assam had two more opportunities of putting forward her claims, viz., before the Parliamentary Joint Committee and again at the "subvention" enquiry. It was therefore in his opinion altogether too early to talk about secession at this stage.

The resolution was put and carried *nem oon*.

#### PLEA OF ENHANCEMENT OF REVENUE RATES

**11th. MARCH:**—Babu *Nagendra Nath Chaudhury* moved a resolution recommending that "in view of the deplorable and critical condition of the tea industry, Government be pleased not to revise and enhance the rates of revenue in renewing leases of grants held for special cultivation until the condition of the industry improved." The *Revenue Member* said that so long as land was held under ordinary Khirat lease, temporary reduction varying from 3 to one anna in a rupee, sanctioned in last October, already applied to such land, and would continue to do so far as it applied to land held for ordinary cultivation. He added that Government had decided, in view of the difficulties of the tea industry, to increase assessment gradually which meant that for the time being those lands would enjoy the benefit of temporary abatement of assessment amounting in all cases substantially to 3, 2 or one anna in a rupee, representing percentage of 18.07, 9.35 and 4.69 respectively, sanctioned for ordinary agricultural land. According to these figures it would be found that the tea industry was treated with utmost consideration. He also added that reduction of 2 or 3 annas in a rupee in land revenue was not going to save the industry. What was wanted was reduction in the present excess production and stimulation of consumption in world's markets. He was glad that the tea industry in all countries was making a determined co-operative effort, and assured that Government had already agreed to co-operate and would continue to do so.

On this assurance the resolution was withdrawn.

#### VOTING ON BUDGET DEMANDS

**15th. MARCH:**—The Council discussed to-day the demands for grants under General Administration, Jails, Famine Relief and Administration of Justice. There was a number of cut motions, most of which were lost and the rest were withdrawn.

The token cut moved by *Sreejut Rohini Kumar Choudhury* for the reduction of the Ministers' salary from Rs. 3500 to Rs. 2000 raised a lengthy discussion. He asserted that the present moribund financial condition of the province really warranted the proposed reduction in the salary and the ministers should set an example by surrendering this amount taking into consideration the economic principle underlying the motion.

The *Finance Member* opposing the motion said that times without number such a motion has been tabled on the floor of the house and he had got hardly any-

thing further to say besides that the Government would adhere to their former policy as was the fate of most of the cut motions of the day. The motion was lost.

*Sj. Rohini Kumar Choudhury's* cut motion regarding retransfer of Naga Hills District to Assam Valley Division was withdrawn on the Government saying that an eleventh hour change was inadvisable in view of the impending reforms under which Hill areas would be excluded from the province.

*Mr. Sarreswar Barua's* motion for reduction of the Ministers' salary by Rs. 36,000 in view of the state of provincial finances was discussed and defeated by 28 to 9 votes.

#### ILL-TREATMENT OF POLITICAL PRISONERS

*Mr. Sarreswar Barua's* cut motion raising a discussion on the necessity of immediate release of political prisoner Jyotiprasad Agarwalla in Shillong Jail on the ground of ill-health was negatived.

*Mr. Rohini Kumar Choudhury's* cut motion in order to bring to the notice of the Government the ill-treatment of prisoners in Jails specially in respect of non-supply of sufficient clothing, bedding, mosquito nets and pillows was withdrawn on the assurance that the matter would be taken into consideration when jail rules, then under revision will be finally framed.

*Mr. Choudhury's* another cut motion calling attention to the monstrous sentences passed on political prisoners like Rajendra Narayan Choudhury, Basanta Kumar Das, Jyotiprasad Agarwalla, Kshirode Chandra Deb etc., was withdrawn on the assurance that the Government would try to consider their cases. Out of no less than 20 motions of censure not one was carried.

#### GRANT FOR POLICE

**16th. MARCH:**—When the Council met to-day the Hon'ble *Mr. Muhammad Saadulla*, Finance and Judicial Member, moved for a grant of Rs. 2,193,400 for the administration of the Police Department. Several other grants such as Rs. 286,000 for maintenance of Assam Rifles, Rs. 6800 for administration of ports and pilotage, Rs. 2705 for administration of scientific department, Rs. 71300 for education (reserved), Rs. 28200 for miscellaneous departments and Rs. 85,000 for provincial loan and advance account, were then moved for by their respective members.

*Mr. Rohini Kumar Choudhury's* cut motion to raise a debate on the ill-treatment of certain arrested persons by Sunamganj Police and A. S. P. Sylhet in January 1933 and February, 1933, produced a heated discussion and the motion was lost by 14 to 25 votes. Another cut motion by the same member for alleged ill-treatment of girls of Sunamganj Girls School by the police also was lost.

*Mr. Brindaban Chandra Goswami's* cut motion on inadequacy of provision in aid of Kamrup Anusandhan Society for historical research was carried by 18 to 14 votes. *Rai Bahadur Nagendra Nath Choudhury* and *Mr. Brindaban Chandra Goswami's* motions for raising discussion about the maintenance of Assam Rifles by India were withdrawn, the Government promising to forward the debate to India Government. *Mr. Brindaban Chandra Goswami* and *Sanat Kumar Das's* motions calling attention for inadequacy of provision for agricultural loans were taken together and carried by 22 to 19 votes. Out of 21 cut motions only 2 were carried.

#### DEMAND UNDER EDUCATION, MEDICAL & PUBLIC HEALTH

**17th. MARCH:**—The Council voted to-day the entire demands under Education, Medical and Public Health.

The Hon'ble *Maulvi Abdul Hamid*, Education Minister, moved for a grant of Rs. 2,937,900 under head "Education."

The Hon'ble *Rai Bahadur Kanak Lal Barua*, Minister-in-charge of Medical Department, moved for a grant of Rs. 1,080,300 under head "Medical Department."

*Maulavi Munawar Ali* and *Khan Saheb Mahmud Ali* urged for the introduction of compulsory primary education. In reply the Hon'ble Education Minister said that the province being under the crushing load of deficit no such radical scheme can immediately be taken up and assured the House that the matter will receive priority of claim when funds will be available.

*Sreejut Brindaban Goswami* then moved that the provision of Rupees 29,379,000 under Education be reduced by rupees two. He raised a discussion about the advis-

ability of having a separate University for Assam and drew the pointed attention of the Government to this matter of paramount importance.

The motion was put to vote and was lost by only one vote.

*Sreejuti Rohini Kumar Choudhury* criticised the Government's action for abolishing the M.A. classes of the Cotton College. The *Director of Public Instruction* opposed the motion and maintained that the consideration which led the Govt. to this abolition was that during the last ten years only four students had taken M. A. degrees and none was placed in the First Class which incurred an expense of one lakh twenty thousands. The motion fell through.

*Rai Bahadur Nilambar Datta* by a token cut urged for the necessity of lowering the fees for X-ray Examination and bacteriological examination in Bercy White Medical School Laboratory. On an assurance from the Govt. Member the motion was withdrawn.

The Govt. sustained a defeat when the estimates under Public Health was taken up. *Maulavi Munawar Ali* moved by a token cut for the reduction by Rupees 200 for the absence of provision for grants to Local Bodies for Water Supply. *Sreejuti Bepin Chandra Ghosh* and *Jogendra Nath Gohain* most emphatically accorded their support to the motion which was adopted by the House, 21 voting for it and 18 against.

#### DEMAND UNDER EXCISE

**18th. MARCH :—**The *Hon'ble Maulvi Abdul Hamid*, Minister-in-charge of Excise moved for a grant of Rs. 5,10,700 under the head "Excise".

The *Hon'ble Rai Bahadur Kanak Lal Barua* moved for a grant of Rs. 1,38,700 under the head "Registration". Both these demands were passed in their entirety.

Out of 35 motions three were carried, the chief cut being under excise by Mr. *Brindaban Goswami* criticising the policy of settling excise shops with outsiders. The motion was carried by 25 to 22 votes. The other cut motions passed related to the utilisation of Assamese contractors where possible and improvement of communications.

Supporting the last motion, Mr. *E. S. Roffey* suggested impressing on the Government of India the necessity for changing the basis of distribution of petrol tax and its provincial increase and said that the basis of consumption was grossly unfair and that it should be on a price basis. He also said that had the basis been on a price, Assam would have got much more than six lakhs up to date. This done would give money for improvement of communications.

#### DEMAND UNDER AGRICULTURE

**20th. MARCH :—**The *Hon. Maulvi Abdul Hamid*, Minister moved for a grant of Rs. 635,300 for administration of agricultural department. Mr. *E. S. Roffey* tabled a cut motion for not consulting the provincial committee in respect of Jorhat Sugar-cane Research Scheme. Several other cut motions were tabled.

#### DEMAND UNDER INDUSTRIES

The *Hon'ble Minister* then moved for a grant of Rs. 156,200 for the administration of the industries department. The Government sustained three successive defeats. *Sj. Rohini Kumar Choudhury's* cut motion to censure the Government for breach of trust with regard to the administration of the B. Borua fund was carried by 27 against 13 votes. Another cut to the administration of the Williamson fund was also carried by 27 against 15 votes. *Maulvi Munawar Ali's* cut motion to censure the Government for not making any effort for the solution of the problem of unemployment of educated youths by training them in industries was also carried by 21 to 20 votes amidst great applause.

#### DEMAND UNDER CIVIL WORKS

The *Hon'ble Rai Bahadur K. L. Barua*, Minister, moved for grant of Rs. 372,200 for civil works (transferred). *Haji Idrisali Barakar* of Cachar moved a cut motion to raise discussion about the high salary of the Local Board employees. The *Hon'ble President* ruled out this motion on the ground that the Local Board employees were paid by the representative Local Boards and the Government cannot be censured on that account.

*Sj. Rohini Kumar Choudhury* tabled a cut motion to raise discussion on the policy of the Government in giving contracts to outside presses in preference to local ones, on demand for grant of Rs. 54,700 under head stationery and printing transferred.



Several other grants such as Rs. 243,900 (miscellaneous transferred), Rs. 48,000 for expenditure in England and Rs. 147,100 under head refunds were moved by their respective members.

#### ASSAM AND THE R. T. C.

**21st. MARCH :—***Sj. Rohini Kumar Chaudhury* moved that in view particularly of the fact that Assam was not at all represented in the Third Round Table Conference the Government of Assam should call the immediate attention of the Governor-General and the Secretary of State for India to the imperative necessity for appointment of at least two representatives from Assam among those Indians to be Selected in the Joint Select Committee to be appointed by the Parliament and that the purport of this debate be immediately communicated by the Government of Assam by wire and cable to the Governor-General and the Secretary of State for India respectively. *Sj. Chaudhury* argued the unjust treatment meted out to this province as she had no representative in the Third Round Table Conference and said that this colossal apathy rendered by the Government of India had received chorus of condemnation from the people of the province. He regretted the fact that Assam being the smallest province in India had no voice in the Councils of higher authorities. If Assam had her own delegate the justice and irresistibility of her claims would not have been flouted.

*Mr. E. S. Roffey*, on behalf of the planting group, supported the motion and said that this timely gesture may go a long way to fortify the claims of the province and unless she received permanent subvention or the entire income derived from the Excise Duties from Mineral Oils produced within her borders she would surely labour under deficit for all times to come. Indeed a representative must be sent to England to champion her cause.

*Rai Bahadur N. N. Chaudhury* said that Assam's unanimous demand for the Excise Duties of Mineral Oils which had been rejected by the Federal Finance Committee must be made secure and certain, failing which she would be under the dead weight of debts.

*Maulvi Munawar Ali* maintained that this motion is nothing but an echo of the popular feelings of the province. It was being anticipated that in the Third Round Table Conference Assam's case will be represented but all hopes were blighted. "Assam is being saddled with shabby treatment. Her appeals are going unheard and it is quite in the fitness of things that the Government should get to grip with the real problem which is upsetting them all so that another wound might not be inflicted on her."

*Khan Bahadur Keramat Ali* said that the motion will carry the greatest common measure of consent and for the future welfare of the Province this concrete suggestion must be put into practice.

*Rai Bahadur Nilambar Dutta* joined in the deliberations and declared that inspite of her potential mineral resources Assam was a deficit province and regretted the callous treatment meted out to the Province by the higher authorities.

The Honourable *Sir Sayed Muhammad Saadulla*, on behalf of the Government, replied that the Government do not propose to participate in the general discussion of the motion but undertook to communicate the purport of the whole debate by wire and cable to the Governor-General and the Secretary of State for India respectively.

The motion was then put to vote which was passed "nem con."

#### Debate on the White Paper

**23rd. MARCH :—**The Council to-day discussed most exhaustively the Parliamentary White Paper on the proposed constitutional reforms. *Sreejuti Rohini K. Choudhury* suggested for the consideration of the House that the discussion be deferred to a certain date in April which however did not receive the weight of support both from the official and non-official members. On behalf of the Government, *Sir Sayed Muhammad Saadulla* said that the Government did not propose to take part in the general discussion but would only correct any misrepresentation that might creep on the course of general debate. *Rai Bahadur Nilambar Dutta* opened the discussion and confined himself to brief observations of his impressions of the White Paper. He said that the "Proposals fall far short of the popular expectations and hopes of Dominion Status have been doomed to disappointment". He

asserted that Assam's claim to have a representative should be sympathetically considered under such circumstances.

*Sreejut Brindaban Goswami* said that the White Paper must have caused a great despair to all sections of the people of the country. It has hoodwinked the Congress agitating for attaining the Dominion Status and the nationalists who are advocating for responsible self-Government. The inauguration of Federation of India will take place at some distant time subject to certain preparatory processes and a few other conditions. He criticised the over-riding powers of the Governor and pointed out the glaring injustice done to Assam in respect of allocation of revenues and again only five seats had been allotted to Assam in the Federal Council.

*Sreejut Rohini K. Chaudhury* forcefully dealt with the pros and cons of the White Paper admitting that the proposals, unsatisfactory as they were, did not surprise him in the least. The White Paper had perpetuated the White-man's superiority in India and had strengthened the shackles of bondage. The powers of the Governor of the Province had been augmented beyond all portions and the ordinance making power was beyond all canons of justice which would only help India to drift away from co-operation and to increase her desire to sever British connection.

*Mr. E. S. Roffey* said that a great responsibility lay in criticising the White Paper as this was the result of deliberations of best brains of India and England. He dwelt at great length on the different proposals laid down specially stressing on the point of allocation of Revenues between the Federation and the Units and asserted that Assam inevitably needed subvention.

*Rai Bahadur Nagendra N. Choudhury* criticised the provision in connection with the Governor's special powers and responsibilities. Coming to the allocation of revenues he asserted that the revenue arising from the two principal industries, tea and oil in Assam, should not be absorbed by the Central Government to save her from her present financial difficulties.

*Sreejut Kasi Nath Saikia* welcomed the proposal that the machinery of Provincial Government would be by a Council of Ministers. He objected to the over-riding powers and regretted the absence of a provision in the proposals in connection with the altering of boundaries of the Province. *Babu Birendra Lall Das* maintained that the whole thing was a mockery and a diplomatic white-washing and fell far short of national demand. *Maulvi Rixner Rahaman*, *Rai Saheb Pyari Mohan Das*, *Babu Sanat K. Das*, *Khan Bahadur Numuddin Ahmad* and a few others participated in the discussion till the House adjourned.

#### ASSAM LAND REVENUE AMENDMENT BILL

**24th. MARCH :—**The Council passed to-day *Maulvi Abdul Khalique Chaudhry's Assam Land Revenue Amendment Bill* of 1932 as reported by the Select Committee. The purpose of the Bill was to introduce into Assam the Land and Revenue Regulation I of 1886 in respect of sales held under civil authorities for annulment of sales in which money due with compensation was deposited by owner within thirty days from the date of sale. The Bill as reported by the Select Committee was passed.

The Council was then *prorogued*.

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# TEXT OF THE WHITE PAPER

## Proposal for Indian Constitutional Reform





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## PROPOSALS FOR INDIAN CONSTITUTIONAL REFORMS

### INTRODUCTION—*The White Paper of December 1931*

1. In December 1931 both Houses of Parliament adopted a motion expressing approval of the Indian policy of His Majesty's Government, as announced to the Indian Round Table Conference and set out in Command Paper 3972. That policy, stated in the broadest terms, involved the prosecution of further inquiries and discussions with the object of finding a suitable basis for the conversion of the present system of government in India into a responsibly governed Federation of States and Provinces, on the understanding that the responsible Government so established must, during a period of transition, be qualified by limitations in certain directions. These limitations, commonly described by the compendious term "safeguards," have been framed in the common interests of India and the United Kingdom.

2. Having pursued their further inquiries and discussions, including a third session of the Round Table Conference, His Majesty's Government are now in a position to indicate with greater precision and in fuller detail their proposals for an Indian Constitution; and it is their intention, as indicated by the Secretary of State for India to the House of Commons on the 27th June last, to invite both Houses of Parliament to set up a Joint Select Committee to consider these proposals in consultation with Indian representatives, and to report upon them. After this report has been laid it will be the duty of His Majesty's Government to introduce a Bill embodying their own final plans.

#### *The form and purpose of the present document.*

3. It should be made plain at the outset that although the proposals are set out below in the interests of clarity in the form of short paragraphs or clauses, the language used in so describing them must not in general be taken as representing the language which would actually be used if they were presented in statutory form. Nor must it be assumed that the present proposals are in all respects so complete and final that a Bill would contain nothing which is not covered by this White Paper. At the same time it is hoped that the Proposals, read in the light of this Introduction, will make clear the principles which His Majesty's Government have followed.

4. One further explanation of the scope of this document should be given. It is unnecessary for the present purpose for His Majesty's Government, in anticipation of the discussions in Parliament, to marshal and elaborate here the general arguments in justification of their Proposals. It is not sought in this document to do more to explain their exact nature and intended effect.

#### THE FEDERATION OF INDIA—*Processes involved in its formation*

5. The conception of a Federation of States and Provinces, and the processes involved in its formation necessitate a complete reconstruction of the existing Indian Constitution; these proposals are accordingly based on the assumption that the existing Government of India Act (which is a consolidation of the series of statutes relating to the government of India, the earliest of which dates from the 18th century) will be repealed *in toto*, and will be replaced by the Act which will ultimately embody the decision of Parliament, and which is in the following pages referred to as 'the Constitution Act'. The problems presented by the legal and constitutional reconstruction are briefly as follows:—

6. Federation elsewhere has usually resulted from a pact entered into by a number of political units, each possessed of sovereignty or at least of autonomy, and each agreeing to surrender to the new central organism which their pact creates an identical range of powers and jurisdiction, to be exercised by it on their behalf to the same extent for each one of them individually and for the Federation as a whole. India, however, has little in common with historical precedents of this kind. In the first place, British India is a unitary State, the administrative control of which is

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by law centred in the Secretary of State—in some respects in a statutory corporation known as the Secretary of State in Council—in whom are vested powers of control over “all acts, operations and concerns which relate to the government of revenues of India”; and such powers as appertain to the provincial Governments in India are derived by a species of delegation from this central authority and are exercised subject to his control. It follows that the Provinces have no original or independent powers or authority to surrender.

7. The States, on the other hand, though they are under the suzerainty of the King-Emperor, form no part of His Majesty's dominions. Their contact with British India has hitherto been maintained by the conduct of relations with their Rulers through the Governor-General in Council. Moreover, since Parliament cannot legislate directly for their territories, the range of authority to be conferred upon the Federal Government and Legislature to the States must be determined by agreement with their Rulers; and the States have made it plain that they are not prepared to transfer to a Federal Government the same range of authority in their territories as it is expedient and possible to confer upon it in relation to the Provinces. The position will therefore necessarily be that in the Indian Federation the range of powers to be exercised by the Federal Government and Legislature will differ in relation to the two classes of units which compose it.

8. For the purpose, therefore, of meeting these conditions, it is proposed to set up a Federal Legislature, consisting of elected representatives of British India and of representatives of Indian States to be appointed by their Rulers, and a Federal Executive consisting of the Governor-General representing the Crown, aided and advised by a Council of Ministers, who will be responsible (subject to the qualifications to be explained later) to the Legislature so composed, and to endow these authorities with powers and functions in relation to British India and with such powers and functions in relation to the States as the States-members of the Federation will formally accept as being of full force and effect within their territories. Full liberty will, of course, be reserved to the Crown to refuse to accept the accession of any State to the Federation if it is sought on terms incompatible with the scheme of Federation embodied in the Constitution Act.

9. On repeal of the present Government of India Act, all powers appertaining and incidental to the government of British India will vest in the Crown; and transition from the existing constitutional position briefly indicated above will be effected by making them exercisable on behalf of the Crown by the Governor-General, the Governors and other appropriate authorities established by or under the Constitution Act. The powers vested in the Crown in relation to the States and now exercisable through the Governor-General of India in Council, except in so far as they are requisite for Federal purposes and the Rulers have assented to their transfer to the appropriate Federal authority for these purposes, will be exercised by the Crown's representative in his capacity of Viceroy, and these powers will be outside the scope of the Federal Constitution.

10. The office of Governor-General of the Federation will be constituted by Letters Patent, and that document will set out the powers which the Governor-General will exercise as the King's representative; that is to say, the powers expressly conferred on him by the Constitution Act and such other powers, not inconsistent with that Act, as His Majesty may be pleased to delegate to him. The Governor-General himself will receive a Commission under the Royal Sign Manual appointing him to his office; and he will exercise and perform the powers and duties attaching to his office in such manner as may be directed by the Instrument of Instructions which he will receive from the King. The same arrangements *mutatis mutandis* are contemplated in the case of the Governor of each Province.

It is intended that the Viceroy shall in future be recognised as holding a separate office which will also be constituted by Letters Patent, and the latter will serve as the means of conferring on the Governor-General, in the capacity of Viceroy, the powers of the Crown in relation to the States outside the Federal sphere. With these the Constitution Act will not, of course, be concerned.

11. So far as British India is concerned, the first step requisite in the transfer from a unitary to federal polity is to define by Statute the jurisdiction and competence of the Federal and Provincial authorities respectively—or, in other words, to create Provinces with an autonomy of their own, and to assign to them a defined and exclusive share of the activities of government. It is accordingly proposed to declare that the executive power and authority in each of the Governors' Provinces is vested in the King and is exercisable by the Governor as the King's representa-



tive ; to constitute a Council of Ministers to aid and advise the Governor, and a Legislature of elected representatives of the provincial populations to whom the Ministers will be responsible ; and to define the competence of this Legislature (and of the Federal Legislature) in terms of subjects, some of which will be exclusively assigned to the Federal and Provincial Legislatures respectively, while over others both Federal and Provincial Legislatures will exercise a concurrent jurisdiction, with appropriate provisions for resolving conflicts of laws.

*The Date and Conditions for the Inauguration of Federation*

12. It will be apparent that the mere passing of the Constitution Act will not of itself suffice to bring the Federation into being. Apart from the preparatory processes required in British India, which cannot be completed until the Constitution Act is on the Statute Book, and which must inevitably occupy some time—the preparation of new and enlarged electoral rolls for the Provincial and Federal Legislatures, and the demarcation of constituencies are matters in point—the final discussions with the States with regard to their Instruments of Accession and the execution of the latter cannot be undertaken until the Act which will be the basis of the Princes' accession has been passed, for until that time arrives the States will not be in the possession of complete knowledge of the character and powers of the Federation to which they are asked to accede. So far as the States are concerned, His Majesty's Government propose as the condition to be satisfied before the Federal Constitution is brought into operation that the Rules of States representing not less than half the aggregate population of the Indian States and entitled to not less than half the seats to be allotted to the States in the Federal Upper Chamber shall have executed Instruments of Accession.

It is the intention of His Majesty's Government that the Federation shall be brought into being by Royal Proclamation, but that the Proclamation shall not be issued until both Houses of Parliament have presented an Address to the Crown with a prayer for its promulgation.

Prerequisites of a financial character to the inauguration of responsible Federal Government are dealt with in paragraph 32.

13. At the same time His Majesty's Government do not contemplate the introduction of the new autonomous constitutions in the Provinces under conditions which will leave Federation as a mere contingency in the future. It is probable that it will be found convenient, or even necessary, that the new Provincial Governments should be brought into being in advance of the changes in the Central Government and the entry of the States. But the coming into being of the autonomous Provinces will only be the first step towards the complete Federation for which the Constitution Act will provide ; and His Majesty's Government have stated that if causes beyond their control should place obstacles in the way of this programme they will take steps to review the whole position in consultation with Indian opinion.

Provision will accordingly be required in the Constitution Act for the period, however short it may be, by which Provincial autonomy may precede the complete establishment of the Federation. The nature of the transitory arrangements contemplated for this purpose is explained in paragraph 202 of the Proposals.

*The Federal Executive.*

14. The executive power and authority of the Federation will be vested in the King and will be exercised by the Governor-General as his representative, aided and advised by a Council of Ministers\* responsible to a legislature containing representatives both of British India and of the States. But whereas in the Provinces the Council of Ministers will be entitled, as will be seen from a later paragraph, to tender advice to the Governor on all matters which fall within the scope of provincial administration, other than the use of powers described by the Constitution Act as being exercisable by the Governor at his discretion the transfer of responsibility at the Centre will not be coextensive with the range of the Federal Government's activities. Certain Departments, namely, those concerned with Defence, External Affairs and Ecclesiastical administration, are to be entrusted to the Governor-General personally, and these matters he will control in responsibility to His Majesty's

\* For the method of appointing to the Council of Ministers see Proposals, paragraph 14.

Parliament. For example, the rights and conditions of service of the personnel of the defence forces will continue generally to be regulated as at present. In the exercise, moreover, of certain specific powers to be conferred by the Constitution on the Governor-General, and to be expressed as being exercisable at his discretion, the Governor-General will be entitled to act without seeking advice from his Ministers. On other matters, Ministers will tender advice to the Governor-General and the Governor-General will be guided by that advice, unless so to be guided would in his judgment be inconsistent with the fulfilment of any of the purposes for which he will be declared by the Constitution Act to be charged with a "special responsibility", in which case the Governor-General will act, notwithstanding the advice tendered to him, in such manner as he deems requisite for the discharge of those "special responsibilities".

15. For the purpose of assisting him in the administration of the Reserved Departments the Governor-General will be empowered to appoint at his discretion not more than three Counsellors whose salaries and conditions of service will be prescribed by His Majesty in Council. The Governor-General will not be restricted in any way in his choice of these Counsellors; the sole consideration will be to select the individual best suited, in the Governor-General's opinion, for the office, wherever he may be found. The Counsellors will be *ex officio* members of both Chambers of the Legislature though without the right to vote; they are not therefore included in the numbers mentioned in the following paragraphs.

#### *The Federal Legislature*

16. The Federal Legislature will be bicameral, the two Chambers possessing identical powers, except that Money Bills and Votes of Supply will be initiated in the Lower Chamber, and that the range of the functions of the Upper Chamber in relation to Supply will be less extensive than those of the Lower Chamber (see paragraph 48 of the Proposals). Equality of powers necessitates arrangements proposed for the solution of the deadlocks; the arrangements proposed are set out in paragraph 41 of the Proposals.

17. The Lower Chamber, or House of Assembly, of the Federal Legislature will consist of a maximum of 375 members, of whom 125 will be appointed by the Rulers of State-members of the Federation. The remaining 250 members will be representatives of British India and their seats will be allocated to the Provinces and to the several communities and interests in each province in the manner indicated in Appendix II. The British Indian members will be directly elected.

18. The Upper Chamber, or Council of State, will consist of a maximum of 260 members, of whom 100 will be appointed by the Rulers of the States-members of the Federation. The British Indian members, 150 in number, will, for the most part, be elected by the members of each Provincial Legislature by the method of the single transferable vote. An exception will be made in the case of those minorities (Europeans, Anglo-Indians and Indian Christians) whose representatives in the Provincial Legislatures would be insufficiently numerous to provide the necessary quota to secure representation in the Upper Chamber. The arrangements proposed for these minorities and the numbers of seats assigned to each Province are indicated in Appendix I. Except for these three minorities the specific allocation of seats on a communal basis would thus be avoided. It is, however, the intention of His Majesty's Government that Muslims should be able to secure one-third of British Indian seats in the Upper House; and if it is considered that the adoption of proportional representation in the manner proposed makes insufficient provision for this end they are of opinion that modification of the proposals should be made to meet the object in view.

In addition the Governor-General will be empowered to nominate not more than ten members (not officials) thus providing an opportunity of adding to the Chamber a small group of the elder statesman type.

19. The allocation of the seats among the States-members of the Federation, both for the Federal Assembly and Council of State is at present under discussion with Rulers. His Majesty's Government are accordingly unable at the moment to put forward specific proposals. But their view is that the detailed allocation of seats which will eventually be provided for in the Constitution Act should be based, in the case of the Council of State, on the rank and importance of the State as indicated by the dynastic salute and other factors and that in the case of the Lower Chamber it should be based *in the main* on population.

*The franchise for the Federal Legislature*

20. Since the British Indian seats in the Upper Chamber of the Federal Legislature will be filled by indirect election by the Provincial Legislatures, no question of franchise qualifications arises, though certain specific property or other qualifications will be required in members of the Upper House.

21. The franchise of the Lower Chamber of the Federal Legislature will, for particular purposes, be the existing franchise for the present Provincial Legislatures. In Bihar and Orissa the qualifications will be changed, but the character and numerical effect will be substantially as at present. In the Central Provinces, where the existing percentage of enfranchisement is unusually low, an alternative franchise of the same character but on a wider scale has been worked out by the Local Government. The existing franchise in all provinces is essentially based on property. In adopting it (with the modifications referred to above) as the franchise for the Lower Chamber of the Federal Legislature it is proposed to supplement the property qualification by an educational qualification common to men and women, and, where necessary, by a differential franchise such as to produce an electorate of approximately 2 per cent of the population of the Scheduled Castes\* (hitherto known as Depressed Classes) in every province, except in Bihar and Orissa, in which the general percentage of enfranchisement is lower than elsewhere, and in the North-West Frontier Province and Sind, where the numbers of the Scheduled Castes are negligible. The ratio of women to men electors for the Federal Assembly will for practical purposes remain unchanged under the present proposals, although the number of women electors will be substantially increased, and special provision will be made by reservation of seats to secure the presence of women in the Assembly. His Majesty's Government fully appreciate the importance of a large women electorate for the Federal Assembly and their proposal to leave the ratio of electors at the point now suggested is made only after exhaustive discussion with Indian authorities and in view both of the administrative difficulties involved in any further increase and of the objections to a differential franchise based on education, by adoption of which alone any substantial addition to the women electorate could conveniently be made in present conditions. Provision will also be made for an electorate for the seats to be provided for Commerce, Labour and other special interests in the Federal Lower Chamber.

22. The details of the franchise proposed are set out in Appendix IV. It should be emphasised that pending preparation of an electoral roll these qualifications are inevitably to some extent stated in general terms, and that modifications of detail may be found necessary on various points once the preparation of the roll is undertaken. Registration of claimants in respect of an educational qualification will, at any rate for the first two elections, be only on application by the potential voter†. The effect of acceptance of the proposals in question would be to enfranchise as voters for the Federal Legislature between 2 and 3 per cent. of the total population of British India. The gross total electorate would, so far as can be judged, amount to between 7 and 8 millions.

*Governor-General's relations with his Ministers*

23. Although the Reserved Departments will be administered by the Governor-General on his sole responsibility, it would be impossible in practice for the Governor-General to conduct the affairs of these Departments isolated from the other activities of his Government, and undesirable that he should attempt to do so, even if it were in fact possible. A prudent Governor-General would therefore keep his Ministers and the advisers whom he has selected to assist him in the Reserved Departments in the closest contact; and, without blurring the line which will necessarily divide on the one hand his personal responsibility for the Reserved Departments, and, on the other hand, the responsibility of Ministers to the Legislature for the matters entrusted to their charge, he would so arrange the conduct of executive business that he himself, his Counsellors and his responsible Ministers, are given the fullest opportunity of mutual consultation and discussion of all matters—and there will necessarily be many such—which calls for co-ordination of policy. His Majesty's Government intend to secure the embodiment of this principle in

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\* The Caste in each Province scheduled as requiring special electoral protection are enumerated in Appendix VIII.

† See introductory note to Appendices IV and V, paragraph 3.



appropriate terms in the Governor-General's Instrument of Instructions. For example, they contemplate that the Instrument should contain a direction to the following effect ; "without derogation from your responsibilities you shall encourage joint deliberations between yourself, your Counsellors, and your Ministers, and in particular you shall make it your endeavour to secure that the views of your Ministers in relation to Defence expenditure shall be ascertained and duly weighed before the appropriations for Defence are laid before the Legislature". The Instrument of Instructions will also formally recognise the fact that the defence of India must to an increasing extent be the concern of the Indian people, and not of the British Government alone. But at the same time, it will make it clear, without ambiguity, that whatever consultation between the Governor-General and his responsible Ministers may take place upon matters arising in the Reserved Departments, the responsibility for the decisions taken is the Governor-General's and the Governor-General's alone.

24. A different problem presents itself in regard to the Governor-General's relations with his Ministers outside the ambit of the Reserved Departments, i.e., in the Departments which will be entrusted to the charge of Ministers responsible for the conduct of their administration of them to the Legislature. In this sphere Ministers, as already explained, will have a constitutional right to tender advice, and the Governor-General will, except to the extent and in the circumstances explained below, be guided by the advice. The problem is so to define the circumstances in which he will be entitled to act on his own exclusive responsibility. His Majesty's Government consider that the most satisfactory course will be :—

(a) the enactment of provisions in the Constitution Act laying down that the Governor-General has a "special responsibility", not for spheres of administration, but for certain clearly indicated general purposes, and that for securing these purposes he is to exercise the powers conferred upon him by the Constitution Act in accordance with directions contained in his Instrument of Instructions ; and

(b) the insertion in the Instrument of Instructions *inter alia* of a direction to the effect that the Governor-General is to be guided by his Ministers' advice unless so to be guided would, in his judgment, be inconsistent with a "special responsibility" imposed upon him by the Constitution Act, in which case he is to act, notwithstanding his Ministers' advice, in such manner as he judges requisite for the due fulfilment of his special responsibility.

It will be apparent from what has been said in this and the preceding paragraph that the Instrument of Instructions will assume a position of great importance as an ancillary to the Constitution Act, and His Majesty's Government propose that appropriate arrangements shall be made to secure to both Houses of Parliament opportunity to make to His Majesty representations for amendments or additions to, or omissions from, the Instructions.

It remains to indicate the matters or purposes in respect of which the Governor-General should be declared, in accordance with the proposals in the preceding paragraph, to have a special responsibility in relation to the operations of the Federal Government. It is proposed that they should be the following :—

- (i) the prevention of grave menace to the peace or tranquillity of India or of any part thereof ;
- (ii) the safeguarding of the financial stability and credit of the Federation ;
- (iii) the safeguarding of the legitimate interests of minorities ;
- (iv) the securing to the members of the Public Services of any rights provided for them by the Constitution and the safeguarding of their legitimate interests ;
- (v) the protection of the rights of any Indian State ;
- (vi) the prevention of commercial discrimination ;
- (vii) any matter which affects the administration of the Reserved Departments.

26. Before describing in detail the scope and purpose of the items in this list it is desirable to explain the precise effect which is contemplated as the result of imposing upon the Governor-General these "special responsibilities." In the first place, it should be made clear that unless and until the Governor-General feels called upon to differ from his Ministers in the discharge of a "special responsibility" the responsibility of Ministers for the matters committed to their charge remains complete. To take a concrete instance, it will clearly be the duty of Ministers, rather than of the Governor-General himself, to ensure that the administration of their departments is so conducted that minorities are not subjected to unfair or prejudicial treatment. The intention of attributing to the Governor-General a special responsibility for the protection of minorities is to enable him, in any case where

he regards the proposals of the Minister in charge of a department as likely to be unfair or prejudicial to a particular minority, in the last resort to inform the Minister concerned (or the Ministers as a body, if they generally support the proposals of their colleague), that he will be unable to accept the advice tendered to him. Nor is it contemplated that the Governor-General, having been vested with "special responsibilities" of the kind indicated, will find it necessary to be constantly overruling his Ministers' advice. The present proposals in general necessarily proceed on the basic assumption that every endeavour will be made by those responsible for working the Constitution to approach the administrative problems which will present themselves in the spirit of partners in a common enterprise. In the great bulk of cases, therefore, in day-to-day administration, where questions might arise affecting the Governor-General's "Special responsibilities" mutual consultation should result in agreement so that no question would arise of bringing the Governor-General's powers in connection with his special responsibility into play.

27. Reverting now to the list of "special responsibilities" in paragraph 25, the necessity for the items numbered (i), (iii) and (iv) follows as a matter of course from previous statements of His Majesty's Government's policy. With regard to item (vii) it is apparent that if, for example, the Governor-General were to be free to follow his own judgment in relation to Defence policy only in regard to matters falling strictly within the ambit of the department of Defence, he might find that proposals made in another department in charge of a responsible Minister are in direct conflict with the line of policy he regards as essential for purposes connected with Defence, and consequently that the discharge of his responsibilities for Defence would be gravely impaired if he accepted the advice of the Minister responsible for the charge of the other department in question. If, therefore, such a situation is to be avoided it is impossible to secure the object in view otherwise than by expressing the Governor-General's "special responsibility" in some such terms as those indicated in item (vii).

28. As regards item (v), it should be explained that this is not intended to give the Governor-General any special power vis-a-vis the States in relation to matters arising in the Federal sphere proper; the necessary powers having been transferred by the States in their Instruments of Accession, such matters will be regulated in accordance with the normal provisions of the Constitution Act. Nor is it intended that the inclusion of this item should be regarded as having any bearing on the direct relations between the Crown and the States. These will be matters for which the Constitution will make no provision and which will fall to be dealt with by the Viceroy, who will be the Governor-General in a capacity independent of the Federal organisation. It may be, however, that measures are proposed by the Federal Government, acting within its constitutional rights in relation to a Federal subject, or not directly affecting the States at all, which, if pursued to a conclusion, would affect prejudicially rights of a State in relation to which that State had transferred no jurisdiction. Or, again, policies might be proposed or events arise in a Province which would tend to prejudice the rights of a neighbouring State. In such cases it is evident that it must be open to the Crown, through the Governor-General or the Governor, as the case may be, to ensure that the particular course of action is so modified as to maintain the integrity of rights secured to the State by Treaty or otherwise.

29. Item (vi) is intended to enable the Governor-General to deal with proposals which he regards as likely to have discriminatory effects. As regards legislative discrimination detailed proposals will be found in paragraphs 122—124 of the Proposals. Any legislative measure, Federal or Provincial, which was inconsistent with these proposals would be invalid and could be challenged as such in the Courts; and the Governor-General or the Governor, as the case may be, would be entitled to act otherwise than in accordance with his Ministers' advice, if he considered that such advice involved discriminatory action in the administrative sphere. The Governor-General's powers will enable him to reserve any bill on which he had doubts.

30. The second item in the list of special responsibilities deserves to be noticed at rather greater length since it involves the whole question of what have become known as "financial safeguards". Subject to the powers conferred upon the Governor-General by this responsibility and subject to what is stated below as regards the Reserve Bank, it is intended that the Finance of the Federation should, like all other subjects except those included in the Reserved Departments, be entrusted to the Ministers. Unless occasion arises for the exercise of the Governor-General's special

powers, it will therefore be for the Minister, and the Minister alone, to take decisions on all such matters as the means to be used for raising the necessary revenues, for allocating expenditure in the responsible field, and for the programme of external and internal borrowing.

The service of certain obligations, *e. g.*, the service of the Debt, the salary of the Governor-General, the salaries and pensions of Judges of the Federal Court, will be a "charge" on the revenues of the Federation; other expenditure will be appropriated annually but certain Heads\* of it, in particular the expenditure on the Reserved Departments, will not require a vote of the Legislature.

31. The object of the Governor-General's special responsibility for "the safeguarding of the financial stability and credit of the Federation" is to confer on him powers to step in, if the need should arise, in the event of the policy of his Minister in respect, for example, of budgeting or borrowing being such as to be likely in the Governor-General's opinion to endanger seriously the provision of resources to meet the requirements of his Reserved Departments or any of the obligations on the Federation, whether directly, or indirectly by prejudicing Indian's credit in the money-markets of the world. The definition of this special responsibility is drawn in somewhat wide terms not in order to diminish the field of responsibility of the Minister, but owing to the difficulty of giving a detailed specification of financial operations or measures which might on occasion endanger stability and call for the use of the Governor-General's powers. In order that assistance may be available to him in the discharge of this special responsibility, the Governor-General will be empowered to appoint a Financial Adviser (without executive powers), whose services would also be available to the Minister.

It will be seen that provision is made in paragraph 147 of the Proposals that the trustee status of the existing India sterling loans will be maintained and will be extended to the future sterling federal loans.

32. The proposals relating to responsibility for the Finance of the Federation are based on the assumption that before the first Federal Ministry comes into being, a Reserve Bank, free from political influence, will have been set up by Indian legislation and be already successfully operating. The Bank would be entrusted with the management of currency and exchange.

His Majesty's Government and the Government of India are taking every step in their power to facilitate and expedite the establishment of a Reserve Bank on sound principles. Some, however, of the conditions necessary for the successful establishment and operation of such a bank, depending as they do on world economic conditions, are not altogether within their control. The report of the committee of the Third Round Table Conference of Financial Safeguards mentions the following as conditions to be fulfilled—"that the Indian budgetary position should be assured that the existing short-term debt both in London and in India should be substantially reduced, that adequate reserves should have been accumulated, and that Indian's normal export surplus should have been restored".

If a situation should arise in which all other requirements for the inauguration of the Federation have been satisfied, it had so far proved impossible successfully to start the Reserve Bank, or if financial, economic or political conditions were such as to render it impracticable to start the new Federal and Provincial Governments on a stable basis, it would inevitably be necessary to reconsider the position and determine in the light of the then circumstances what course should be pursued. If, unfortunately, such reconsideration became necessary, His Majesty's Government are pledged to call into conference representatives of Indian opinion.

33. Apart from the Reserved Departments, and the specified "special responsibilities" of the Governor-General outside the sphere of those Departments, there is a third category of matters in which the Governor-General will not be under any constitutional obligation to seek, or, having sought, to be guided by, ministerial advice. For this purpose certain specified powers will be conferred by the Constitution on the Governor-General and will be expressed as being exercisable "at his discretion". In this category of "discretionary powers", the precise range of which it will be impossible exhaustively to foresee until the drafting of the Constitution Act has reached completion, His Majesty's Government anticipate that the following matters will be included :—

- (a) The power to dissolve, prorogue, and summon the Legislature ;

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\*See paragraph 49 of the proposals for full list.



(b) The power to assent to, or withhold assent from, Bill, or to reserve them for the signification of His Majesty's pleasure ;

(c) The grant of previous sanction to the introduction of certain classes of legislative measures ;

(d) The power to summon forthwith a Joint Session of the Legislature in case of emergency, where postponement till the expiration of the period to be prescribed by the Constitution Act might have serious consequences.

*Governor-General's Relations with the Legislature*

34. It is also necessary corollary of what has already been said that the special powers to be conferred on the Governor-General for the purpose of enabling him to discharge his responsibilities must be similarly exercisable in his discretion. To the foregoing must, therefore, be added—

(e) The power to take action, notwithstanding an adverse vote in the Legislature—to be dealt with more fully below ;

(f) The power to arrest the course of discussion of measures in the Legislature—also dealt with below ;

(g) The power to make rules of legislative business in so far as these are required to provide for the due exercise of his own powers and responsibilities.

35. It is not, in fact, sufficient merely to regulate the Governor-General's relations with his responsible Ministers, i.e., to regulate matters arising in discussion amongst the members of the executive Government. It follows from previous declarations by His Majesty's Government upon which these Proposals are based, that the Governor-General must be given powers which will enable him effectively to discharge the responsibilities entrusted to him, whether for the Reserved Department or the "special responsibilities" indicated above, if their discharge involves action normally lying within the functions of the Legislature to which the Legislature will not agree. The general scheme underlying the Proposals is that, whatever the Governor-General's responsibilities for the Reserved Departments, or his special responsibilities, are involved, he should be empowered not only to act without, or, as the case may be, contrary to, the advice of his Ministers, but also to take action notwithstanding an adverse vote of the Legislature whether such a vote relates to the passage of legislation or to the appropriation of funds.

36. But it will clearly be of importance to the fostering of the sense of responsibility in Ministers and Legislature alike that room should not be left for doubt whether in any given case the responsibility for the decision is, or is not, that of the Ministers or of the Legislature, as the case may be—in other words, it is of importance that the special powers of the Governor-General should be so framed as to make it plain that the responsibility for the results of their exercise lies upon him. The necessity for the use of the Governor-General's legislative power may arise through the refusal of Ministers to be parties to a Bill, or to provisions in a Bill which the Governor-General regards as essential to the discharge of his responsibilities, or where the Legislature rejects or fails to pass a Bill for which Ministers have accepted responsibility and which the Governor-General regards as essential ; or the Legislature may alter the Bill to a form which would fail to secure the object which the Ministers and the Governor-General have in view.

37. The essential point to be secured, in both contingencies, is as already indicated, that when the Governor-General decides that the discharge of his responsibilities necessitates a course of action to which he is unable to obtain the consent either of his Ministers or of the Legislature—or perhaps of both—the resulting enactment should not purport to be an enactment of the Legislature (as is the case with Acts which the Governor-General "certifies" under the existing Government of India Act), and further that its presentation to the Legislature should be brought about by the personal intervention of the Governor-General, that his responsibility for it should be manifest, and that Ministers should be in no way compromised by his action either with their supporters in the Legislature or their constituencies in the country. On the other hand, it would be undesirable to carry this principle to the logical extreme of placing all measures for which the Governor-General has himself to assume responsibility on the footing of Ordinances, the enactment of which involves no reference to the Legislature at all. The Governor-General's powers in this regard should therefore be such as to enable him to test opinion in the Legislature ; if he finds a majority there in support of his policy no question arises of using his special powers. If he finds only a majority in the Legislature in favour of his policy, he would at all events secure that measure of moral support, but he would carry out

his policy on his own responsibility without compromising either the Ministers with their supporters in the Legislature, or the latter with their constituencies. It is accordingly proposed that measures enacted by the Governor-General without the consent of the Legislature should be described as "Governor-General's Acts," and that a special form of enacting words should be employed to distinguish them from Acts "enacted by the Governor-General by and with the consent of both Chambers of the Legislature".

38. The corresponding powers proposed for the Governor-General in the matter of supply are based upon the same principles. The Budget will be framed by the Finance Minister in consultation with his colleagues and with the Governor-General. The decision as to the appropriations required for the Reserved Departments and for the discharge of the functions of the Crown in relation to the Indian States will of course be taken by the Governor-General on his own responsibility, though he will be enjoined by his Instrument of Instructions to consult his Ministers before reaching any decision on appropriations for the Department of Defence. Appropriations required for the non-reserved Departments will be the responsibility of Ministers. But the proposals for raising revenue and appropriation of those revenues will be subject to the common constitutional rule (see paragraph 45 of the Proposals) that as laid before the Legislature they carry a recommendation from the representative of the Crown. If the Governor-General regards his Ministers' proposals for appropriations as insufficient to enable him adequately to fulfil any of his "special responsibilities", he will be entitled to append to the Budget statement, when laid before the Legislature, additional proposals for appropriation under any head in respect to which he regards his Ministers' proposals as inadequate. These additional proposals (if any) of the Governor-General will be distinguished as such in the Budget Statement and whether they relate to non-votable or to votable Heads of expenditure the Legislature will not be invited to vote upon them: in other words the appropriations on which the Legislature will be invited to vote will be those proposed by the Ministry.

39. After the Legislature has discussed the Budget as whole and has voted upon these proposals for appropriations which are submitted to the vote, the Governor-General will be called upon to authenticate by his own signature the appropriations. In authenticating those under the non-votable heads he will be entitled to include in his authentication the sums additional to those proposed by Ministers under those Heads which he originally included in the Budget Statement or, if he thinks fit, reduced sums. He will be similarly required to authenticate the Grants as voted by the Legislature and in so doing he will be entitled, if he regards this as necessary for the fulfilment of any of his "special responsibilities", to include in his authentication any sums not in excess of those by which the Legislature may have reduced the Grant submitted to it. By this procedure the Ministry on the one hand and the Legislature on the other, will be left free to exercise their respective responsibilities in the matter of supply—the Ministers, by accepting responsibility for proposals for appropriations so far as and no further than they are prepared to hold themselves responsible to the Legislature, by recording their agreement or disagreement with Minister's proposals at the same time, the Governor-General, if he is unable to accept the proposals of his Ministers, or the decision of the Legislature, as consistent with the discharge of any of his special responsibilities, will be enabled to bring the resulting appropriations into accord with his own estimates of the requirements and, if necessary, through his special legislative powers to secure that the Annual Finance Act provides him with resources which will cover the appropriations which he finally authenticates.

The procedure of authentication by the Governor-General is proposed for a double purpose:

(1) to secure that audit authorities should be concerned only with a single document as authority for all appropriations of revenue, by whatever legal procedure such appropriations have been made; and

(2) to secure that the Governor-General does not make any appropriations under his special powers without the Legislature being made cognizant thereof.

40. It will, in addition, be necessary to arm the Governor-General with a legislative power which is capable of immediate employment in emergencies, either when the Legislature is not in session or, if it is in session, to meet circumstances which necessitate immediate action. It is, therefore, proposed to vest in him a power analogous to the existing Ordinance-making power. Indeed, in addition to such a power to be placed at the disposal of the Governor-General in his discretion for the

express purpose of discharging his responsibilities for a Reserved Department, or for carrying out a "special responsibility", His Majesty's Government are of opinion that a similar power must necessarily be placed at the disposal of the Governor-General acting with his Ministers, i.e., at the disposal of the Federal Government to meet cases of emergency when the Legislature is not in session. the Ordinances resulting therefrom being limited in duration to a specified period, unless previously revoked by the Legislature after its reassembly.

41. Finally, it is proposed that the Constitution should contain provision requiring the previous sanction of the Governor-General acting in his discretion to the introduction of any Bill affecting a Reserved Department and certain other matters set out in paragraph 119 of the Proposals.

42. It is perhaps desirable to summarise very briefly the effect of these proposals. The intention is that the special powers of the Governor-General properly so described, namely, his powers to obtain legislation and supply without the assent of the Legislature, will flow from the responsibilities specifically imposed upon him and be exercisable only for the purpose of enabling those responsibilities to be implemented. The responsibilities to be imposed on the Governor-General by the Constitution will be of two kinds—an exclusive responsibility for the administration of the Reserved Departments, and a "special responsibility" for certain defined purposes outside the range of the Reserved Departments. On the administration of the Reserved Departments, Ministers will have no constitutional right to tender advice; nor will they have any such right to tender advice on the exercise of any powers conferred upon the Governor-General for use in his discretion. On all other matters Ministers will be constitutional entitled to tender advice, and unless that advice is felt by the Governor-General to be in conflict with one of his special responsibilities he will be guided by it. If, in discharge of his special responsibility for a Reserved Department, or of a special responsibility, the Governor-General decides that a legislative measure or a vote of supply to which the Legislature has not assented is essential, his special powers will enable him to secure the enactment of the measure or the provision of the supply in question, but Ministers will not have any constitutional responsibility for his decision.\*

43. It remains only to explain that in so far as the Governor-General or a Governor is not advised by Ministers, the general requirement of constitutional theory necessitate that he should be responsible to His Majesty's Government and Parliament for any action he may take, and that the Constitution should make this position clear. In the case of a Governor the chain of responsibility must necessarily include the Governor-General.

44. The proposals indicated above have no reference to situations where a complete breakdown of the constitutional machinery has occurred. It is the intention of His Majesty's Government that the Constitution should contain separate provision to meet such situations, should they unfortunately occur either in a Province or in the Federation as a whole, whereby the Governor-General or the Governor, as the case may be, will be given plenary authority to assume all powers that he deems necessary for the purpose of carrying on the King's Government.

#### THE GOVERNORS' PROVINCES—*The Executive*

45. The eleven provinces† named in the following will become autonomous units, the Government of each being administered by a Governor representing the King, aided and advised by a Council of Ministers responsible to the Legislature of the Province. The Council of Ministers will be entitled to tender advice to the Governor on all matters which fall within the provincial sphere, other than the use of powers described by the Constitution Act as exercisable by the Governor at his discretion. The Governor will be guided by the advice tendered to his Ministers, unless so to be guided would be, in his judgment, inconsistent with the fulfilment of any of the purposes for the fulfilment of which he will be declared by the Constitution Act to be charged with a "special responsibility"; in which case the Governor will be

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\*See footnote to the Proposals, paragraph 6.

† It has not been possible to include in the proposals any relating to Burma as Burma has, as yet, made no choice between the alternatives of separation from India, with a constitution as outlined in Command Paper 4004-32, or inclusion as a Governor's Province in the Federation of India.



entitled, and enjoined, to act, notwithstanding the advice tendered to him, in such manner as he deems requisite for the discharge of his special responsibilities.

Madras, Bombay, Bengal, The United Provinces, The Punjab, Bihar, \*The Central Provinces, Assam, The North-West Frontier Province, Sind, Orissa.

*Governors' special powers and responsibilities*

46. As indicated above, the scheme for the Governor-General's responsibilities and powers will be applicable in all respects to the Governor in relation to his Ministers and Legislature, with the following modifications: In the provinces there will be no category exactly corresponding to the Reserved Departments of the Governor-General, though analogous arrangements are intended in order to provide for the administration of frontier areas in certain Provinces which, from the primitive nature of their populations and their general characteristics, will have to be excluded from the normal operation of the Constitution. With this exception, the Governor's special powers will flow from, and be expressed as being required in order to enable him to discharge his "special responsibilities" only.

47. As regards the "special responsibilities" of the Governors, these will be identical with those indicated in the case of the Governor-General, save that the first item on the list will necessarily be confined in scope to the Province, or any part thereof, and not extend, as in the case of the Governor-General, to India as a whole. Special responsibility for the financial stability of the Provinces will not be imposed on the Governor. On the other hand, in the case of the Governors, it will be necessary to add to the list of "special responsibilities" an item relating to the execution of orders passed by the Governor-General. As the Governor-General is to be charged with the general superintendence of the actions of Governors in exercise of their "special responsibilities", and if, as has already been proposed, he is himself to have imposed upon him a "special responsibility" for the prevention of grave menace to peace and tranquillity throughout the country, it follows that he must be in a position to ensure that his instructions to a Governor are acted upon; and consequently that the Governor must be in a position to act otherwise than on his Ministers' advice, if such advice conflicts with the Governor-General's instructions.† Finally, it will be necessary to impose upon the Governor a "special responsibility" for the administration of certain excluded areas, if, as seems probable, the arrangements for the administration of excluded areas involve their classification into two categories, one of which would be placed under the exclusive control of the Governor, while the other is made subject to Ministerial control, but with an over-riding power in the Governor obtained in the matter explained in earlier paragraphs through his "special responsibility."

The special responsibilities dealt with in this paragraph have been discussed and reported on by the Round Table Conference at its third session. Apprehension was expressed by some members at the first Round Table Conference that grave danger to the peace and tranquillity of a Province might develop if the internal administration and discipline of the police were not secured; but this matter was not discussed at the third Round Table Conference in relation to the special responsibilities of the Governor. His Majesty's Government propose to deal with it by inserting in the Instrument of the Governor a direction that he should bear in mind the close connection between his special responsibility for peace and tranquillity and the internal administration and discipline of the police.

48. The division of legislative powers between Centre and Provinces would no longer make appropriate the concentration in the hands of the Governor-General of the power to legislate in emergency by Ordinance on provincial matters and this power will now be conferred on Governors also, for the double purpose indicated in paragraph 40.

*The Provincial Legislature*

49. The Provincial Legislatures will be enlarged to the extent indicated in Appendix III. The allocation of seats and method of election for the Provincial Legislative Assemblies (Lower Houses) is in accordance with the provisions contained in what is generally referred to as His Majesty's Government's Communal Award of the 4th. August last (Cmd. 4,147-1932). The only modifications made are the adap-

\* With Berar, subject to the approval of conditions which are under discussion with His Exalted Highness the Nizam's Government.

† See also paragraph 55 of Introduction.

tation of the figures necessary in view of the subsequent decision to establish Orissa as a separate Province and an alteration in respect of the representation of the Depressed Classes made in the circumstances explained below. This Award was given by His Majesty's Government in order to remove the obstacle to further progress in the framing of a Constitution which was presented by the failure of communities in India themselves to reach agreement on the subject of the method and quota of representation of communities in the Provincial Legislatures.

His Majesty's Government in the Award pledged themselves not to vary their recommendations to parliament on this subject save with the mutual agreement of the communities affected and themselves to take no part in any negotiations initiated by the communities with a view to revision of their decision. One such variation has been made namely in respect to the arrangements for the representation of the Depressed Classes and the rest of the Hindu community.

His Majesty's Government stated in their Award that modification of the communal electoral arrangements might be made after ten years with the assent of the communities affected, for the ascertainment of which suitable means would have to be devised.

The members of the Provincial Legislative Assemblies will be in all cases elected, and no officials will be eligible for election. In three Provinces the Legislature will be bicameral: in the remainder it will consist of a single Chamber. But provision is made in the Proposals (paragraph 74) whereby, subject to restriction, an Upper Chamber where it exists may be abolished, or created where it does not exist. The powers of Provincial Upper Chambers will not be coextensive with those Lower Chamber.

### *The Provincial Franchise*

50. Details of the franchise proposed in the case of the various Provincial Legislatures are given in Appendix V. Here, as in the case of the franchise for Federal Legislature, it should be emphasised that pending the preparation of an electoral roll the qualifications proposed are inevitably to some extent stated in general terms and that modifications of detail may be found necessary on various points once the preparation of the roll is undertaken. The franchise in question is essentially based on property, supplemented by an educational qualification common to men and women alike: by a qualification for women in respect of property held by a husband; by provision directed to secure an electorate of approximately 10 per cent. of the population of the Scheduled Castes† (hitherto known as Depressed Classes) in each province, except in Bihar and Orissa where the general percentage of enfranchisement is in the neighbourhood of 9 per cent. only, and in the North-West Frontier Province and Sind, where the numbers of the Scheduled Castes are negligible; and by provision of a special electorate for the seats proposed to be reserved for the representation of Commerce, Labour and other special interests. Registration of claimants in respect of an educational qualification or of a woman qualified in respect of her husband's property will, at any rate for the first two elections, be on application by the potential voter only§. The ratio of women to men electors will be approximately 1 to 7 as compared with approximately 1 to 21 at the present time.

51. A precise statement of the numerical effect to the electoral qualifications proposed cannot be given pending the preparation of a provisional electoral roll. So far as can be judged, however, these proposals, if accepted, would, in the typical case of Bengal, enfranchise some 7½ millions, or some 16 per cent. of a total population of 50 millions. In the case of Bombay, the percentage to be enfranchised would probably be rather higher than in Bengal; in Madras and the United Provinces it would be approximately the same; in all other provinces it would be substantially lower, the lowest figure being reached in the case of Bihar and Orissa, with an electorate of some 3½ millions or about 9 per cent of the total population. The general effect of acceptance of the proposals in question over all the Governors' Provinces would be an electorate in the neighbourhood of 14 per cent of the total population, or some 27 per cent of the adult population.

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\*Bengal, the United Provinces and Bihar.

†The Castes in each Province scheduled as requiring special electoral protection the enumerated in Appendix VIII.

§See Introductory Note to Appendices IV and V, paragraph 3.

A separate franchise will be devised for the two new provinces of Sind and Orissa. In the case of Sind the franchise in question will probably be substantially identical in general character (subject to allowance for certain differences in local conditions) with that proposed for Bombay. The new province of Orissa will be formed by accretions from the Central Provinces and Madras, as well as from the present province of Bihar and Orissa, and while the franchise will probably generally resemble that proposed for Bihar and Orissa, modifications of greater or lesser importance may in consequence be necessary in this case.

## RELATIONS BETWEEN THE FEDERATION AND THE UNITS

### *Powers of Federal and Provincial Legislature*

52. The conception of Federation and of the consequential change in provincial status commonly denoted by the expression "Provincial autonomy" will necessitate a complete departure from the existing system of concurrent jurisdictions, that is to say, there will be a statutory demarcation between the legislative competence of the Federal and Provincial Legislatures respectively, and the assignment to each of an exclusive field of competence which the other will not be permitted, save to the extent indicated below, to invade.

53. Following the practice of other federal constitutions, the respective legislative fields of the Centre and of the Provinces will be defined in terms of subjects which will be scheduled to the Constitution Act. But while it will be possible to assign to the Federation and to the Provinces respectively a number of matters over which they can appropriately be charged with exclusive legislative jurisdiction, examination has shown that this method cannot without inconvenience be so employed as to exhaust the entire field of potential governmental activity and that there are some matters in respect of which, while some measure of uniformity of law may be necessary variation of detail to meet the local conditions of the Provinces is no less necessary. It will consequently be necessary to schedule certain subjects whereon both Federal and Provincial Legislatures will enjoy concurrent powers, the exact nature and effect of which will be seen from paragraphs 111, 112 and 114 of the Proposals.

Illustrative lists of the exclusively Federal, exclusively Provincial, and "concurrent" subjects, which do not purport to be complete or final, are appended. (Appendix VI).

54. Certain matters will be placed outside the competence altogether of both Federal and Provincial Legislatures, namely, legislation affecting the Sovereign or the Royal Family, the sovereignty or dominion of the Crown over any part of British India, the law of British nationality, the Army Act, the Air Force Act and the Naval Discipline Act and the Constitution Act itself. As regards the Army, Air force and Naval Discipline Acts, the Indian Legislatures will be debarred from legislating in such a way as to interfere with the operation of these Acts in so far as they operate in India, while at the same time it is intended to preserve the existing powers\* of the Central Legislature in India to extend the provisions of these Acts with or without modification to members of forces raised in India. Apart from a complete exclusion of jurisdiction in regard to these matters it is proposed to place upon the competence of the new Legislatures a limitation taking the form familiarised by the provisions of the existing Act, whereby the Governor-General's— in some cases the Governor's—previous sanction to the introduction of certain specified classes of measures will be required. The proposed classification for this purpose will be found set out in paragraphs 119 and 120 of the Proposals. It will, of course, be made clear (paragraph 121) that the grant by the Governor-General or by a Governor or of his prior consent to the introduction of a measure under this Proposal is not to be taken as fettering his judgment, when the time comes, if the measure is passed, for his decision as to the grant or withholding of his assent or the reservation of the measure for the signification of His Majesty's pleasure.

One further specific limitation on the powers of the Legislature which has already been mentioned in paragraph 29 should be referred to again in the present context, namely, the provisions proposed which will render *ultra vires* certain forms of discriminatory legislation.

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\* As provided in section 177 of the Army Act, section 177 of the Air Force Act, and as regards the Naval Discipline Act, in section 66 of the Government of India Act.



55. The administrative relations between the Federal Government and the Units are dealt with in paragraphs 125—129 of the Proposals. Provision is made in paragraph 125 of the Proposals for securing not only that due effect is given within the Provinces to Acts of the Federal Legislature which apply to them, but also that the Provincial Governments shall give effect to directions issued by the Federal Government in relation to any matter which affects the administration of a Federal subject in the executive sphere of the Province. The latter provision will cover all classes of Federal subjects including those administered by the Reserved Department. In the latter class of subjects directions will of course be issued by the Governor-General.

*Allocation of revenues between the Federation and the Units*

56. It is intended that the division of resources between the Federation and the Units should be in accordance with the following scheme. The method of treatment of taxes on income, which is of special importance, is described separately below. The lists that follow are not intended to be exhaustive, but to indicate only the more important heads. ( For fuller lists see Legislative Schedules in Appendix VI ).

Sources of Revenue.	Powers of legislation.	Allocation of revenue.
Import Duties (except on salt) : Contributions from Railways and receipts from other Federal commercial undertakings ; Coinage profits of Reserve Bank.	Exclusively federal.	Exclusively federal
Export Duties ; Salt Duties ; Tobacco Excise ; Other Excise Duties except those on alcoholic liquors, drugs and narcotics.		
Terminal taxes on goods and passengers ; Certain stamp duties.	Exclusively federal.	Federal, with power to assign a share ( or the whole ) to Units.
Land Revenue Excise duties on Alcohol, Drugs and Narcotics Stamps (with certain exceptions) Forests and other Provincial commercial undertakings. Miscellaneous sources of revenue at present enjoyed by the provinces.	Exclusively provincial.	Exclusively provincial.

Sources of taxation not specified in any schedule will be provincial, but the Governor-General will be empowered, after the consultation with Federal and Provincial Ministers of their representatives, to declare in his discretion that any unspecified sources of taxation should be federal.

57. Taxes on income will be dealt with as follows :

Corporation tax† will be entirely federal. Federating States will contribute under this head after 10 years. All legislation regarding other taxes on income except agricultural income will be federal, (subject to the right mentioned below of Provincial Legislatures to impose Provincial surcharges). Receipts from such taxation on officers in Federal service, and tax attributable to Chief Commissioners' Provinces or other Federal areas will accrue to Federal revenues. The remaining net proceeds other than receipts from the Federal surcharges mentioned below, will be divided

\* In the case of export duty on jute, at least half the net proceeds must be assigned to the producing units.

† There is at present in force in British India a super-tax on profits of companies which is usually referred to as Corporation tax.

between the Federation and the Governors' Provinces,  $x$  per cent. being assigned to the former and the remainder to the latter. Before a final recommendation can be made as to the basis of distribution of the Provincial share between the Provinces (and the basis on which tax will be attributable in Chief Commissioners' Provinces) it will be necessary to complete further technical investigation which is now proceeding. It is intended that percentage  $x$  should be not less than 25 per cent. and not more than 50 per cent.

Federal legislation regulating taxes on income which affects Provincial revenues as well as Federal revenues is to be introduced by leave of the Governor-General given in his discretion after consulting the Federal Ministry and Provincial Ministries.

The Federal Legislature will also be empowered to impose surcharges on taxes on income, the proceeds of which will be retained by the Federation. Federating States will contribute to the federal revenue a proportionate amount.

If, however, at the time when the Constitution comes into force any portion of special surcharges on taxes on income imposed in September 1931 are still in operation, these will be deemed to be Federal surcharges but without liability on federating States to make any equivalent contribution.

The Provincial Legislatures will be empowered to impose, by their own legislation, surcharges on taxes on personal income of residents in the Province, the net proceeds going to the Province. Collection would be carried out by Federal agency. It is intended that an upper limit for such surcharges should be imposed, fixed at  $12\frac{1}{2}$  per cent. of the rates of taxes on income in force at any time, exclusive of federal surcharges.

58. It is anticipated that in the early years of the Federation, before there has been time to develop new sources of taxation (in particular Federal excises), the above system of distribution is likely to leave the Federation with inadequate resources. It is accordingly intended to adopt a transitory provision by which Federation can retain for itself a block amount out of the proceeds of income-tax distributable to the Provinces. This amount would be unchanged for three years, and would diminish annually over the next seven years, so as to be extinguished at the end of ten years. This amount would be fixed after the investigation mentioned below.

Power will be given to the Governor-General in his discretion, but after consultation with the Governments concerned, to suspend the programme of reduction if in his opinion its continuance for the time being would endanger the financial stability and credit of Federation.

59. It is also anticipated that certain Provinces will be in deficit under the proposed scheme. The North-West Frontier Province will (as now) require a contribution from the Centre in view of its special position. The new provinces of Sind and Orissa will be able to start as entirely self-supporting units. Some of the existing Provinces, notably Assam, are likely to need assistance at least for a time. It is intended that these Provinces should receive subventions from Federal revenues. These subventions may be either permanent or terminable after a period of years.

60. It will be necessary at as late a stage as possible before the new Constitution actually comes into operation to review in the light of the then financial and economic conditions the probable financial position of both the Federation and the Provinces. The Government of India and the Provincial Governments will of course be closely associated with any enquiry for this purpose. It is only in the light of such review that it will be possible to settle such matters as the amounts and periods of the Provincial subventions, the percentage of taxes on income to be permanently allocated to the Centre, and the amount to be retained by the Federation temporarily out of the normal Provincial share of taxes on income. It is accordingly proposed that the determination of such matters should be by Orders in Council, the drafts of which would be laid before both Houses of Parliament for approval.

His Majesty's Government attach the highest importance to securing to the Federation adequate resources, without which the Federal Government cannot ensure the due fulfilment of liabilities, upon which must depend the credit of India as a whole.

A possibility which cannot be dismissed from consideration is that economic and financial conditions might on the eve of the inauguration of the new Constitution be such as to render it impracticable to supply the new Federation and the Provin-

cial Governments at the outset of their careers with the necessary resources to ensure their solvency. If after the review contemplated above, the probability of such a situation should be disclosed it would obviously be necessary to reconsider the position and it might, *inter alia*, be necessary to revise the Federal Finance scheme contemplated in these Proposals.

Attention may be drawn in this connection to the observations already made at the end of paragraph 32.

61. The introduction of any scheme for Federal Finance is complicated by the existence of "contributions" paid by certain Indian States to the Crown and by "immunities" which many of the States enjoy in respect of certain heads of prospective Federal revenue as, for example, sea customs, salt, posts and telegraphs. A full description of the very complex position will be found in the Report of the Indian States Enquiry Committee (Financial) Cmd. 4103-32. It is proposed that the Crown should transfer the "contributions", so long as these are received, to Federal Revenues. The intention is that these "contributions" should be abolished by a process of gradual reduction *pari passu* with the gradual reduction of the block amount retained by the Federation out of the share of Provincial Income Tax described in paragraph 58 above. Abolition cannot however be effected by a uniform process. The position of each State requires separate treatment depending on the existence of "immunities", since it is not intended to remit "contributions" save in so far as they are in excess of a still existing "immunity". Provision for the treatment of "contributions" on these lines will be made in the States' Instruments of Accession. It is further proposed, as more fully explained in the Indian States Enquiry Committee's Report, that as a counterpart to the remission of "contribution", credit should be given to certain States which ceded territory to the Crown under circumstances somewhat analogous to those in which other States agreed to pay "contributions", the basis for determining the amount of such credits being the net revenues of the territories at the time of cession. Provision for such credits will have to be made in the Constitution Act. It may be necessary to establish a Tribunal or other machinery for the purpose of determining the value of immunities (especially those subjects to considerable fluctuations) where these have to be assessed from time to time for the purpose of setting them off against "contributions", or against any payments accruing from the Federation.

#### THE JUDICATURE—*The Federal Court*

62. In a Constitution created by the federation of a number of Separate political units and providing for the distribution of powers between a Central Legislature and Executive on the one hand and the Legislature and Executive of the federal units on the other, a Federal Court has always been recognised as an essential element. Such a Court is, in particular, needed to interpret authoritatively the Federal Constitution itself. The ultimate decision on questions concerning the respective spheres of the Federal, Provincial and State authorities is also most conveniently entrusted to a Tribunal independent of Federal, Provincial and State Governments and such a Tribunal will, in any event, be required in order to prevent the mischief which might otherwise arise if the various High Courts and State Courts interpreted the Constitution in different senses, and thus made the law uncertain and ambiguous.

63. It is proposed that the Federal Court should have both an original and an appellate jurisdiction. Its original jurisdiction will be to determine justiciable dispute between the Federation and any Federal unit or between any two or more Federal units, involving the interpretation of the Constitution Act or any rights or obligations arising thereunder. Its appellate jurisdiction will extend to the determination of appeals from any High Court or State Court on questions, between whomsoever they may arise, involving the interpretation of the Constitution Act or any rights or obligations arising thereunder. In order to guard against frivolous and vexatious appeals, it is proposed that, unless the value of the subject matter in dispute exceed in a specified sum, an appeal will only lie with the leave of the Federal Court or of the High Court or State Court concerned. It is proposed that an appeal shall lie without leave to the Judicial Committee of the Privy Council from a decision of the Federal Court in any matter involving the interpretation of the Constitution, and in any other case only by leave of the Federal Court, unless His Majesty in Council grants special leave to appeal. As a corollary no appeal will be allowed against any decision of a High Court direct to the King in Council in any case where under the Constitution an appeal lies to the Federal Court.



64. On the analogy of the jurisdiction conferred on the Judicial Committee of the Privy Council, by Section 4 of the Judicial Committee Act, 1833, the Governor-General will be empowered in his discretion to refer to the Federal Court any justiciable matter on which it is, in his opinion, expedient to obtain the opinion of the Court.

65. The Federal Court will consist of a Chief Justice and a specified number of Judges, who will be appointed by the Crown and will hold office during good behaviour. But power will be taken to increase this number in both Houses of the Legislature to present an address to the Governor-General praying that His Majesty may be pleased to do so.

#### *The Supreme Court*

66. But though a Federal Court, with power and jurisdiction such as those indicated, is a necessary and integral part of the Constitution envisaged by these proposals, Indian opinion is far from unanimous as to the necessity—or at all events as to the immediate necessity—for a Supreme Court of Appeal. The jurisdiction of such a Court, were it established, would necessarily be limited to British India, and its functions would be, within the limits assigned to it, to act as a final Court of Appeal in India from the decisions of the Provincial High Courts on matters other than those—mainly constitutional—which will fall within the jurisdiction of the Federal Court. With such a Court in existence, there would be good reason for limiting the right of appeal from Indian High Courts to the Judicial Committee of the Privy Council and thereby mitigating some of the grounds for dissatisfaction which arise from the delays, expense and inconveniences necessarily involved in the prosecution of appeals before so distant a tribunal. On the other hand, there is strong support for the view that a Supreme Court for India would be an unnecessary and unjustifiable expense and that it would be difficult to find, in addition to the Judges required for the Federal Court and the Provincial High Courts, a body of judicial talent of the calibre essential if it is to justify its existence: there is, moreover, difference of opinion as to whether such a Court, if established, should be separate from the Federal Court or should be constituted as a Division of that Court. In these circumstances His Majesty's Government are of opinion that the right course is to empower the Federal Legislature to set up such a Court if and when there is sufficient unanimity of view on these and other questions to enable legislation for this purpose to be promoted, but that the powers and jurisdiction of the Court should none the less be laid down by the Constitution Act on the lines indicated in paragraphs 163–167 of the Proposals.

#### THE SECRETARY OF STATE'S ADVISERS

67. His Majesty's Government do not regard a Council of the kind which has been associated with the Secretary of State for India since the Crown took over the affairs of the East India Company in 1858 as any longer necessary in, or appropriate to, the condition of the new Constitution. They are satisfied, however, that the responsibilities of the Secretary of State will remain such as to make it imperative that he should have at his disposal a small body of carefully selected advisers to supplement the assistance which in common with other Ministers he will derive from the permanent staff of his Department.

68. "The Secretary of State in Council of India" as a statutory corporation which alone can be plaintiff or defendant in any litigation instituted by, or against, any Governmental authority in India, and in whose name alone can be executed any contract or assurance entered into by any Government in India, is a conception which is manifestly incompatible alike with Provincial self-government and with a responsible Federal Government; and the present power of veto possessed by the Council of India over all expenditure from the revenue of India is no less incompatible with the constitutional arrangements outlined in paragraphs 5 to 11 of this Introduction. The Proposals, therefore, contemplate the vesting in the Crown on behalf of the Federal Executive and the Provincial Executives respectively of all property now held in the name of the Crown which is required for their respective purposes, and these authorities will be endowed with the right to enter into all contracts and assurances necessary for the performance of their functions with the right to sue and the liability to be sued in respect of any claims arising in their several spheres of authority. It will at the same time be necessary to preserve the existing rights of suit against the Secretary of State in this country in respect of any claims arising out of obligations

undertaken by the Secretary of State in Council before, and subsisting at the date of, the inauguration of the Federation, and to place upon the Federal Government an obligation to implement any judgment or award arising therefrom, whether by the provision of funds or otherwise.

69. As regards the Secretary of State's Council, it is proposed to enable him to appoint not less than three or more than six advisers (at least two of whom must have served the Crown in India for not less than 10 years) to hold office for five years. The Secretary of State will be free to consult these advisers, either individually or collectively, as he may think fit. But he will be required not only to consult them, but to obtain the concurrence of a majority of them on the draft of any Rules regulating the Public Services in India, and in the disposal of any appeal to him permitted by the Constitution from any member of those Services (see paragraph 179 of Proposals).

#### THE PUBLIC SERVICES

70. The main divisions of the Public Services in India are :—

- (1) The All-India Services ;
- (2) The Provincial Services ; and
- (3) The Central Services, Classes I and II.

Officers of the All-India Services serve chiefly in the Provinces, but they are liable to serve anywhere in India, and a number of the higher posts under the Government of India are held by them. These All-India Services include the following :—

- (i) The Indian Civil Services ;
- (ii) The Indian Police ;
- (iii) The Indian Forest Service ; and
- (iv) The Indian Service of Engineers.

On the transfer of their fields of service to Ministerial control on the inauguration of the new Constitution, recruitment will cease for Nos. (iii) and (iv).

The Provincial Services cover the whole field of civil administration of the Provinces in the middle and lower grades. Members of these services are appointed by the Provincial Governments.

Some of the more important of the Central Services are :—

- (1) The Railway Services ;
- (2) The Indian Posts and Telegraph Traffic Service ;
- (3) The Imperial Customs Service.

Persons appointed by the Secretary of State in Council are serving in all these Services.

71. All persons appointed by the Secretary of State in Council have certain important rights. They cannot, for example, be dismissed from the Service by any authority subordinate to the Secretary of State in Council ; their pay is protected from the vote of the Legislatures ; and they have an ultimate right of appeal to the Secretary of State in Council against all important disciplinary measures taken in India also in respect of their principal conditions of service.

It is intended to safeguard these rights and to extend them to all persons appointed by the Secretary of State after the commencement of the Constitution Act with the exception of the right to retire under the regulations for premature retirement ; this right it is proposed to give only to officers appointed to the Indian Civil Service and Indian Police up to the time when a decision is taken on the result of the enquiry indicated in paragraph 72.

Certain members of the Provincial and Central Services though they may not have been appointed by the Secretary of State in Council have also rights for the preservation of which he is responsible. These, too, will be secured.

72. Provision is also made for continued recruitment by the Secretary of State to the Indian Civil Service, the Indian Police, and the Ecclesiastical Department.

Provision is also made for securing that all persons appointed by the Secretary of State in Council or the Secretary of State are employed in India on work of the kind for which their recruitment has been considered essential.

At the expiry of five years from the commencement of the Constitution Act a statutory enquiry will be held into the question of future recruitment for the Indian Civil Service and the Indian Police, and the Governments in India will be associated with the enquiry. The decision on the results of the enquiry will rest with His

Majesty's Government and will be subject to the approval of both Houses of Parliament. Pending the decision on this enquiry the present ratio of British to Indian recruitment will remain unaltered.

The question of continued recruitment by the Secretary of State to the superior Medical and Railway services is under examination. His Majesty's Government hope to submit their recommendations on this matter later to the Joint Select Committee.

73. As regards Family Pension Funds to which serving officers now contribute, His Majesty's Government consider that it must be recognised that assets constitute in all cases a definite debt liability of the Government of India and are the property of the subscribers. In these circumstances they are examining a proposal for the adoption of a new financial procedure in relation to these funds, with a view to building up gradually separate sterling funds. If such a scheme should prove to be practicable, it will, of course, be necessary to consult members of the Services regarding it before any such scheme would probably necessitate certain statutory provisions not covered by the present Proposals. His Majesty's Government hope to be in a position to submit their recommendations on this subject later to the Joint Select Committee.

#### THE STATUTORY RAILWAY BOARD

74. There is one matter of importance which these Proposals do not cover, namely, the arrangements to be made for the administration of the Railway under the Federal Government. His Majesty's Government consider that it will be essential that, while the Federal Government and Legislature will necessarily exercise a general control over railway policy, the actual control of the administration of the State Railways in India (including those worked by Companies) should be placed by the Constitution Act in the hands of a Statutory Body so composed and with such powers as will ensure that it is in a position to perform its duties upon business principles and without being subject to political interference. With such a Statutory Body in existence it would be necessary to preserve such existing rights as the Indian Railway Companies possess under the terms of their contracts to have access to the Secretary of State in regard to disputed points and, if they desire, to proceed to arbitration. His Majesty's Government are in consultation with the Government of India on the questions of principle and detail which require settlement before a satisfactory scheme can be devised to carry out these purposes.

#### FUNDAMENTAL RIGHTS

75. The question of including in the Constitution Act a series of declarations commonly described as a statement of "Fundamental Rights" which would be designed to secure either the community in general or to specified sections of it, rights or immunities to which importance is attached, has been much discussed during the proceedings of the Round Table Conference. His Majesty's Government see serious objections to giving statutory expression to any large range of declarations of this character, but they are satisfied that certain provisions of this kind such, for instance, as respect due to personal liberty and rights of property and the eligibility of all for public office, regardless of difference of caste, religion, etc., can appropriately, and should, find a place in the Constitution Act.

His Majesty's Government think it probable that occasions may be found in connection with the inaugurations of the new Constitution for a pronouncement by the Sovereign, and in that event, they think it may well be found expedient humbly to submit for His Majesty's considerations that such a pronouncement advantageously give expression to some of the propositions suggested to them in this connection which prove unsuitable for statutory enactment.

#### CONCLUSION

76. His Majesty's Government are fully aware that the actual drafting of the Constitution Bill and the consequent repeal of the existing Government of India Act, will raise a number of other questions—some of importance—which these Proposals do not cover, for instance, provisions will be required for an Auditor-General, for the establishment of the Secretary of State, and for various other matters which the existing Act at present embraces and which may, or may not require perpetuation in the Act which takes its place.

*March 15, 1933.*



# The Proposals

1. The general principle underlying all these proposals is that all powers appertaining or incidental to the government of India and all rights, authority and jurisdiction possessed in that country—whether flowing from His Majesty's sovereignty over the territories of British India, or derived from treaty, usage, sufferance or otherwise in relation to other territories—are vested in the Crown and are exercisable by and in the name of the King Emperor. ( See paragraph 9 of Introduction )

## PART I. THE FEDERATION—*General*

2. The Federation of India will be a union between the Governors' Provinces and those Indian States whose Rulers signify their desire to accede to the Federation by a formal Instrument of Accession. By this Instrument the Ruler will transfer to the Crown for the purposes of the Federation his powers and jurisdiction in respect of those matters which he is willing to recognise as federal matters; and the powers and jurisdiction so transferred will thereafter be exercised on behalf of the Federation and in accordance with the provisions of the Constitution Act by the Governor-General, the Federal Legislature, the Federal Court (with an appeal therefrom to His Majesty in Council) and such other Federal organs as the Constitution Act may create. But in the case of every State which accedes, the powers and jurisdiction of the Federation in relation to that State and the subjects of its Ruler will be strictly co-terminous with the powers and jurisdiction transferred to the Crown by the Ruler himself and defined in his Instrument of Accession.

3. Except to the extent to which the Ruler of a State has transferred his powers and jurisdiction, whether by his Instrument of Accession or otherwise—and, in the case of a State which has not acceded to the Federation, in all respects—the relations of the State will be with the Crown represented by the Viceroy, and not with the Crown represented by the Governor-General as executive head of the Federal Government. Accordingly, all powers of the Crown in relation to the States which are at present exercised by the Governor-General in Council, other than those which fall within the Federal sphere, will after Federation be exercised by the Viceroy as the Crown's representative.

4. The Federation will be brought into existence by the issue of a Proclamation by His Majesty declaring that on a date to be appointed in the Proclamation the existing nine "Governors' Provinces", with Sind and Orissa (which will be constituted as new and separate Governors' Provinces), are to be united in a Federation of India with such Indian States as have acceded or may accede to the Federation; but the Proclamation will not be issued until—

(a) His Majesty has received intimation that the Rulers of States representing not less than half the aggregate population of the Indian States and entitled to no less than half the seats to be allotted to the States in the Federal Upper Chamber have signified their desire to accede to the Federation; and

(b) Both Houses of Parliament have presented an Address to His Majesty praying that such a Proclamation may be issued.

5. The authority of the Federation will, without prejudice to the extra-territorial powers of the Federal Legislature (see paragraph 111), extend to the Governors' Provinces, to the acceding States, (subject to the limitations mentioned in paragraph 3), and to those areas in British India which are administered by Chief Commissioners—namely, the Provinces of Delhi, Ajmer-Merwara, Coorg, British Baluchistan and the Andaman and Nicobar Islands. These Provinces (with one exception) will be directly subject to the jurisdiction of the Federal Government and Legislature.

In the case of British Baluchistan special provision will be made whereby the Governor-General will himself direct and control the administration of this Province (see paragraphs 57—58). Expenditure required for British Baluchistan will not be subject to the vote of the Federal Legislature, but will be open to discussion in both Chambers.

The Settlement of Aden is at present a Chief Commissioner's Province. The future arrangements for the Settlement are, however, under consideration and accordingly no proposals in respect of it are included in this document.

*The Federal Executive*

6. The executive authority of the Federation, including the supreme command of the Military, Naval and Air Forces in India will be exercisable on the King's behalf by a Governor-General holding office during His Majesty's pleasure, but His Majesty may appoint a Commander-in-Chief to exercise in relation to those Forces such powers and functions as may be assigned to him.

All executive acts will run in the name of the Governor-General.\*

7. The executive authority of the Federation will extend in relation to a State-member of the Federation only to such powers and jurisdiction falling within the Federal sphere as the Ruler has transferred to the King.

8. The Governor-General will exercise the powers conferred upon him by the Constitution Act as executive head of the Federation and such powers of His Majesty (not being powers inconsistent with the provisions of the Constitution Act) as His Majesty may be pleased by Letters Patent constituting the office of Governor-General to assign to him. In exercising all these powers the Governor-General will act in accordance with an Instrument of Instructions to be issued to him by the King.

9. The draft of the Governor-General's Instrument of Instructions (including the drafts of any amendments thereto) will be laid before both Houses of Parliament, and opportunity will be provided for each House of Parliament to make to His Majesty representations for an amendment of, or addition to, or omission from, the Instructions.

10. The Governor-General's salary will be fixed by the Constitution Act, and all other payments in respect of his personal allowances, or of salaries and allowances of his personal and secretarial staff, will be fixed by Order in Council; none of these payments will be subject to the vote of the Legislature.

*The Working of the Federal Executive*

11. The Governor-General will himself direct and control the administration of certain Departments of State—namely, Defence, External Affairs and Ecclesiastical Affairs.

12. In the administration of these Reserved Departments, the Governor-General will be assisted by not more than three Counsellors who will be appointed by the Governor-General, and whose salaries and conditions of service will be prescribed by Order in Council.

13. For the purpose of aiding and advising the Governor-General in the exercise of powers conferred upon him by the Constitution Act for the government of the Federation, other than powers connected with the matters mentioned in paragraph 11, and matters left by law to his discretion, there will be a Council of Ministers. The Ministers will be chosen and summoned by the Governor-General and sworn as Members of the Council and will hold office during his pleasure. The persons appointed Ministers must be, or become within a stated period, members of one or other Chamber of the Federal Legislature.

14. In his Instrument of Instructions the Governor-General will be enjoined *inter alia* to use his best endeavours to select his Ministers in the following manner, that is, in consultation with the person who, in his judgment, is likely to command the largest following in the Legislature, to appoint those persons (including so far as possible members of important minority communities and representatives of the States-members of the Federation) who will best be in a position collectively to command the confidence of the Legislature.

15. The number of Ministers and the amounts of their respective salaries will be regulated by Act of the Federal Legislature, but, until the Federal Legislature otherwise determines, their number and their salaries will be such as the Governor-General determines, subject to limits to be laid down in the Constitution Act.

The salary of a Minister will not be subject to variation during his term of office.

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\*It follows from this that broadly speaking where the words "Governor-General" are used without the added words "in his discretion" or "at his discretion", the Federal Government is meant, in the case of the Reserved Departments, however, the Governor-General being himself the responsible executive. A corresponding meaning attaches to the word "Governor" in the case of the provincial executive.

16. The Governor-General will whenever he thinks fit preside at meetings of his Council of Ministers. He will also be authorised, after consultation with his Ministers, to make in his discretion any rules which he regards as requisite to regulate the disposal of Government business, and the procedure to be observed in its conduct, and for the transmission to himself and to his Counsellors in the Reserved Departments, and to the Financial Adviser, of all such information as he may direct.

17. The Governor-General will be empowered, in his discretion, but after consultation with his Ministers, to appoint a Financial Adviser to assist him in the discharge of his "special responsibility" for financial matters—see next paragraph—and also to advise Ministers on matters regarding which they may seek his advice. The Financial Adviser will be responsible to the Governor-General and will hold office during his pleasure: his salary will be fixed by the Governor-General and will not be subject to the vote of the Legislature.

18. Apart from his exclusive responsibility for the Reserved Departments (paragraph 11) the Governor-General in administering the government of the Federation will be declared to have a "special responsibility" in respect of—

(a) the prevention of any grave menace to the peace or tranquillity of India or any part thereof;

(b) the safeguarding of the financial stability and credit of the Federation;

(c) the safeguarding of the legitimate interests of minorities;

(d) the securing to the members of the Public Services of any rights provided for them by the Constitution Act and the safeguarding of their legitimate interests;

(e) the prevention of commercial discrimination;

(f) the protection of the rights of any Indian State;

(g) any matter which affects the administration of any Department under the direction and control of the Governor-General.

It will be for the Governor-General to determine in his discretion whether any of the "special responsibilities" here described are involved by any given circumstances.

19. If in any case in which, in the opinion of the Governor-General, a special responsibility is imposed upon him it appears to him, after considering such advice as has been given him by his Ministers, that the due discharge of his responsibility so requires, he will have full discretion to act as he thinks fit but in so acting he will be guided by any directions which may be contained in his Instruments of Instructions.

20. The Governor-General, in administering the departments under his own direction and control, in taking action for the discharge of any special responsibility, and in exercising any discretion vested in him by the Constitution Act, will act in accordance with such directions, if any, not being directions inconsistent with anything in his Instructions, as may be given to him by a principal Secretary of State.

21. The Governor-General's Instrument of Instructions will accordingly contain *inter alia* provision on the following lines:—

"In matters arising in the Departments which you direct and control on your own responsibility, or in matters the determination of which is by law committed to your direction, it is Our will and pleasure that you should act in exercise of the powers by law conferred upon you in such manner as you may judge right and expedient for the good Government of the Federation, subject, however, to such directions as you may from time to time receive from one of Our principal Secretaries of State.

"In matters arising out of the exercise of the powers by law conferred upon you for the purposes of the government of the federation other than those specified in the preceding paragraph it is Our will and pleasure that you should, in the exercise of the powers by law conferred upon you, be guided by the advice of your Ministers, unless so to be guided would, in your judgment, be inconsistent with the fulfilment of your special responsibility for any of the matters in respect of which a special responsibility is by law committed to you; in which case it is Our will and pleasure that you should notwithstanding your Ministers' advice, act in exercise of the powers by law conferred upon you in such manner as you judge requisite for the fulfilment of your special responsibilities, subject, however, to such directions as you may from time to time receive from one of Our principal Secretaries of State".\*

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\* For other matters to be included in the Instrument of Instructions, see paragraph 14 of the proposals and paragraph 23 of the Introduction.



THE FEDERAL LEGISLATURE—*General*

22. The Federal Legislature will consist of the King represented by the Governor General and two Chambers, to be styled the Council of State and the House of Assembly, and will be summoned to meet for the first time not later than a date to be specified in the Proclamation establishing the Federation.

Every Act of the Federal Legislature will be expressed as having been enacted by the Governor-General, by and with the consent of both Chambers.

23. Power to summon, and appoint places for the meeting of the Chamber to prorogue them, to dissolve them either separately or simultaneously will be vested in the Governor General at his discretion, subject to the requirement that they shall meet at least once in every year and that not more than twelve months shall intervene between the end of one session and the commencement of the next.

The Governor-General will also be empowered to summon the Chambers for the purpose of addressing them.

24. Each Council of State will continue for seven years and each Assembly for five years, unless sooner dissolved.

25. A member of the Council of Ministers will have the right to speak but not to vote in the Chamber of which he is not a Member.

A Counsellor will be *ex officio* an additional member of both Chambers for all purpose except the right of voting.

*The Composition of the Chamber*

26. The Council of State will consist, apart from the Governor-General's Counsellors, of not more than 260 members, of whom 150 will be elected from British India in the manner indicated in Appendix I,\* not more than 100 will be appointed by the Rulers of States,† and not more than ten (who shall not be officials) will be nominated by the Governor-General in his discretion.

27. A member of the Council of State will be required to be at least 30 years of age (this age limit not, however, being applicable to the Ruler of a State) and a British subject or a Ruler, or subject of an Indian State, and to possess certain prescribed property qualifications, or to have been at some previous date a member of the Indian Legislature or of the Federal Legislature, or to possess qualifications to be prescribed by the Government of the State or Province which he represents with a view to conferring qualification upon persons who have rendered distinguished public service.

28. Casual vacancies in the Council of State will be filled, in the case of a British Indian elected representative, by election (so long as communal representation is retained as a feature of the constitution) by those members of the body by which he was elected who are members of the community to which the vacating member belongs, and in the case of an appointed or nominated member, by a fresh appointment or nomination.

29. The Assembly will consist, apart from the Governor-General's Counsellors, of not more than 375 members, of whom 250 will be elected to represent constituencies in British India in the manner indicated in Appendix II, and not more than 125† will be appointed by the Rulers of States.

30. A member of the Assembly will be required to be not less than 25 years of age and a British subject or a subject of an Indian State.

31. Casual vacancies in the Assembly will be filled, in the case of an elected member, by the same method as that prescribed in Appendix II for the election of the vacating member, and, in the case of an appointed member, by fresh appointment by the person by whom the vacating member was appointed.

32. Only the Ruler of a State who has acceded to the Federation will be entitled to appoint, or take part in appointing, a member of either Chamber of the Federal Legislature, and any vacancies arising out of the operation of this restriction will for the time remain unfilled.§

\*See paragraph 18 of Introduction.

†See paragraph 19 of Introduction.

§The paragraph has reference to the allotment to States by paragraphs 26 and 29 of "not more than 100" and "not more than 125" seats in the Council of State and the House of Assembly respectively. The figures just quoted represent the total number of seats which will be available to the States when they have all acceded to the Federation and the intention is that a seat seat allotted to an individual State

33. Every member of either Chamber will be required to make and subscribe an oath or affirmation in the following form before taking his seat :—

In the case of a representative of a State :—

"I, A, B., having been appointed a member of this Council, or Assembly, do solemnly swear (or affirm) that, saving the faith and allegiance I owe to C, D., I will be faithful and bear true allegiance in my capacity as member of this Council or Assembly to His Majesty the King Emperor of India, His heirs and successors, and that I will faithfully discharge the duty upon which I am about to enter".

In the case of a representative of British India—

"I, A, B., having been elected, or nominated a member of this Council, or Assembly, do solemnly swear (or affirm) that I will be faithful and bear true allegiance to His Majesty the King Emperor of India, His heirs and successors, and that I will faithfully discharge the duty upon which I am about to enter".

34. The following disqualifications will be prescribed for membership of either Chamber :—

(a) in the case of elected members or of members nominated by the Governor-General, the holding of any office of profit under the Crown other than that of Minister ;

(b) a declaration of unsoundness of mind by a competent Court ;

(c) being an undischarged bankrupt ;

(d) conviction of the offence of corrupt practices or other election offences ;

(e) in the case of a legal practitioner, suspension from practice by order of a competent Court ;

but provision will be made that the last two disqualifications may be removed by order of the Governor-General at his discretion ;

(f) having an undisclosed interest in any contract with the Federal Government ; provided that the mere holding of shares in a company will not by itself involve this disqualification.

35. A person sitting or voting as a member of either Chamber when he is not qualified for, or is disqualified from, membership will be made liable to a penalty of in respect of each day on which he so sits or votes, to be recovered in the High Court of the Province or State which the person in respect of whom the complaint is made represents by suit instituted with the consent of a Principal Law Officer of the Federation.

36. Subject to the Rules and Standing Orders affecting the Chamber there will be freedom of speech in both Chambers of the Federal Legislature. No person will be liable to any proceedings in any Court by reason of his speech or vote in either Chamber, or by reason of anything contained in any official report of the proceedings in either Chamber.

37. The following matters connected with elections and elector procedure, in so far as provision is not made by the Act, will be regulated by Order in Council :—

(a) The qualifications of electors ;

(b) The delimitation of constituencies ;

(c) The method of election of representatives of communal and other interests ;

(d) The filling of casual vacancies ; and

(e) Other matters ancillary to the above ;

with provision that Orders in Council framed for these purposes shall be laid in draft for a stated period before each House of Parliament.

For matters other than the above connected with the conduct of elections the Federal Legislature will be empowered to make provision by Act. But until the Federal Legislature otherwise determines, existing laws or rules, including the law or rules providing for the prohibition and punishment of corrupt practices or election offences and for determining the decision of disputed elections, will remain in force subject, however, to such modifications or adaptations to be made by Order in Council as may be required in order to adapt their provisions to the requirements of the new Constitution.

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will remain unfilled unless and until that State has entered the Federation. States under "minority administration" will necessarily be treated as non-acceding States for this and other purposes.

*Legislative Procedure*

38. Bills (other than Money Bills, which will be initiated in the Assembly) will be introduced in either Chamber.

39. The Governor-General will be empowered, at his discretion, but subject to the provisions of the Constitution Act and to his Instrument of Instructions, to assent in His Majesty's name to a Bill which has been passed by both Chambers, or to withhold his assent, or to reserve the Bill for the signification of the King's pleasure. But before taking any of these courses, it will be open to the Governor-General to remit a Bill to the Chambers with a Message requesting its reconsideration in whole or in part, together with such amendments, if any, as he may recommend.

No Bill will become law until it has been agreed to by both Chambers either without amendment or with such amendments only as are agreed to by both Chambers, and has been assented to by the Governor-General, or, in the case of a reserved Bill, until His Majesty in Council has signified his assent.

40. Any Bill assented to by the Governor-General will within twelve months be subject to disallowance by His Majesty in Council.

41. In the case of disagreement between the Chambers, the Governor-General will be empowered, in any case in which a Bill passed by one Chamber has not, within three months thereafter, been passed by the other, either without amendments, to summon the two Chambers to meet in a joint sitting for the purpose of reaching a decision on the Bill. The members present at a Joint Session will deliberate and vote together upon the Bill in the form in which it finally left the Chamber in which it was introduced and upon amendments, if any, made therein by one Chamber and not agreed to by the other. Any such amendments which are affirmed by a majority of the total number of members voting at the Joint Session will be deemed to have been carried, and if the Bill, with the amendments, if any, so carried, is affirmed by a majority of the members voting at the Joint Session, it shall be taken to have been duly passed by both Chambers.

In the case of a money bill or in cases where in the Governor-General's opinion the decision on a Bill cannot consistently with fulfilment of his responsibilities for a Reserved Department or of any of his "special responsibilities," be deferred, the Governor-General will be empowered in his discretion to summon a Joint Session forthwith.

42. In order to enable the Governor-General to fulfil the responsibilities imposed upon him personally for the administration of the Reserved Departments and his "special responsibilities," he will be empowered at his discretion—

(a) to present, or cause to be presented, a Bill to either Chamber, and to declare by Message to both Chambers that it is essential, having regard to his responsibilities for a Reserved Department or, as the case may be, to any of his "special responsibilities," that the Bill so presented should become law before a date specified in the Message; and

(b) to declare by Message in respect of any Bill already introduced in either Chamber that it should for similar reasons become law before a stated date in a form specified in the Message.

A bill which is the subject of such a Message will then be considered or reconsidered by the Chambers, as the case may require, and if, before the date specified, it is not passed by the two Chambers, in the form specified, the Governor-General will be empowered at his discretion to enact it as a Governor-General's Act, either with or without any amendments made by either Chamber after receipt of his Message.

A Governor-General's Act so enacted will have the same force and effect as an Act of the Legislature, and will be subject to disallowance in the same manner, but the Governor-General's competence to legislate under this provision will not extend beyond the competence of the Federal Legislature as defined by the Constitution.

43. It will be made clear, by means of the enacting words of a Governor-General's Act, which will be distinguished from the enacting words of an ordinary Act (see paragraph 22) that Acts of the former description are enacted on the Governor-General's own responsibility.

44. Provision will also be made empowering the Governor-General in his discretion, in any case in which he considers that a Bill introduced, or proposed for introduction, or any clause thereof, or any amendment to a Bill moved or proposed,



would affect the discharge of his "special responsibility" for the prevention of any grave menace to the peace or tranquillity of India, to direct that the Bill, clause or amendment shall not be further proceeded with.

*Procedure with regard to Financial Proposals*

45. A recommendation of the Governor-General will be required for any proposal in either Chamber of the Federal Legislature for the imposition of taxation, for the appropriation of public revenues, or any proposal affecting the public debt, or affecting or imposing any charge upon, public revenues.†

46. The Governor-General will cause a statement of the estimated revenue and expenditure of the Federation, together with a statement of all proposals for the appropriation of those revenues, to be laid, in respect of every financial year, before both Chambers of the Legislature.

The statement of proposals for appropriation will be so arranged as—

(a) to distinguish between those proposals which will, and those which will not (see paragraph 49) be submitted to the vote of the Legislature and among the latter to distinguish those which are in the nature of standing charges (for example, items in the list in paragraph 49 marked with an asterisk); and

(b) to specify separately those additional proposals (if any), whether under the votable or non-votable Heads, which the Governor-General regard as necessary for the discharge of any of his "special responsibilities."

47. The proposals for the appropriation of revenues, other than proposals relating to the Heads of Expenditure enumerated in paragraph 49, and proposals, (if any) made by the Governor-General in discharge of his special responsibilities, will be submitted in the form of Demands for Grants to the vote of the Assembly. The Assembly will be empowered to assent to any Demand or to reduce the amount specified therein, whether by way of a general reduction of the total amount of the Demand or of the reduction or omission of any specific item or items included in it.

48. The Demands as laid before the Assembly will thereafter be laid before the Council of State which will be empowered to require, if a motion to that effect is moved on behalf of Government and accepted, that any Demand which had been reduced or rejected by the Assembly shall be brought before a joint session of both Chambers for final determination.

49. Proposals for appropriation of Revenues, if they relate to the Heads of Expenditure enumerated in this paragraph, will not be submitted to the vote of either Chamber of Legislature, but will be open to discussion in both Chambers, except in the case of the salary and allowances of the Governor-General and of expenditure required for the discharge of the functions of the Crown in, and raising out of, its relation with the Rulers of Indian States.

The Heads of Expenditure referred to above are :—

(i) Interest, Sinking Fund charges and other expenditure relating to the raising, service, and management of loans\*; expenditure fixed by or under the Constitution Act\*; expenditure required to satisfy a decree of any Court or an arbitral award;

(ii) The salary and allowances of the Governor-General\*; of Ministers\*; of the Governor-General's Counsellors\*; of the Financial Adviser\*; of Chief Commissioners\*; of the Governor-General's personal and secretarial staff and of the staff of the Financial Adviser:

(iii) Expenditure required for the Reserved Departments,§ for the discharge of the functions of the Crown in and arising out of its relations of Indian States; for or the discharge of duties imposed by the Constitution Act on a principal Secretary of State.

(iv) The salaries and pensions (including pensions payable to their dependants) of Judges of the Federal or Supreme Court or of Judicial Commissioners under the Federal Government\*; and expenditure certified by the Governor-General after consultation with his Ministers as required for the expenses of those Courts;

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†This paragraph represents the constitutional principle embodied in Standing Order 66 of the House of Commons, which finds a place in practically every Constitution Act throughout the British Empire :—

"This House will receive no petition for any sum relating to public service or proceed upon any motion for any grant or charge upon the public revenue, whether payable out of the consolidated fund or out of money to be provided by Parliament unless recommended from the Crown."

\*See as regards Defence expenditure paragraph 23 of Introduction.

‡See paragraph 39 of Introduction.

(v) Expenditure required for Excluded Areas and British Baluchistan ;

(vi) Salaries and pensions payable to, or to dependants of, certain members of Public Services, and certain other sums payable to such persons (see Appendix VII, Part III).

The Governor-General will be empowered to decide finally, and conclusively, for all purposes, any question whether a particular item of expenditure does or does not fall under any of the Heads of Expenditure referred to in this paragraph.

50.\* At the conclusion of the budget proceedings the Governor-General will authenticate by his signature all appropriations, whether voted or those relating to matters enumerated in paragraph 49 ; the appropriations so authenticated will be laid before both Chambers of the Legislature but will not be open to discussion.

In the appropriations so authenticated the Governor-General will be empowered to include any additional amounts which he regards as necessary for the discharge of any of his special responsibilities, so however that the total amount authenticated under any Head is not in excess of the amount originally laid before the Legislature under that Head in the Statement of proposals for appropriation.

The authentication of the Governor-General will be sufficient authority for the due application of the sums involved.

51. The provisions of paragraphs 45 to 50 inclusive will apply with the necessary modifications to proposals for the appropriation of revenues to meet expenditure not included in the Annual Estimates which it may become necessary to incur during the course of the financial year,

#### *Procedure in the Federal Legislature*

52. The procedure and conduct of business in each Chamber of the Legislature will be regulated by rules to be made, subject to the provisions of the Constitution Act, by each Chamber ; but the Governor-General will be empowered at his discretion after consultation with the President, or Speaker, as the case may be, to make rules—

(a) regulating the procedure of, and the conduct of business in, the Chamber in relation to matters arising out of, or affecting the administration of the Reserved Departments or any other special responsibilities with which he is charged, and

(b) prohibiting, save with the prior consent of the Governor-General, given at his discretion, the discussion of, or the asking of, questions on—

(i) matters connected with any Indian State other than matters accepted by the Ruler of the State in his Instrument of Accession as being Federal subjects ; or

(ii) any action of the Governor-General taken in his discretion in his relationship with a Governor ; or

(iii) any matter affecting relations between His Majesty or the Governor-General and any foreign Prince or State.

In the event of conflict between a rule so made by the Governor-General and any rule made by the Chamber, the former will prevail and the latter will, to the extent of the inconsistency, be void.

#### *Emergency Powers of the Governor-General in relation to Legislation*

53. The Governor-General will be empowered at his discretion, if at any time he is satisfied that the requirements of the Reserved Departments or any of the "special responsibilities" with which he is charged by the Constitution Act render it necessary, to make and promulgate such Ordinances as, in his opinion, the circumstances of the case require, containing such provisions as it would have been competent, under the provisions of the Constitution Act, for the Federal Legislature to enact.

An Ordinance promulgated under the proposals contained in this paragraph will continue in operation for such period, not exceeding six months, as may be specified therein ; the Governor-General will, however, have power to renew any Ordinance for a second period not exceeding six months, but in that event it will be laid before both Houses of Parliament.

An Ordinance will have the same force and effect, whilst in operation, as an Act of the Federal Legislature ; but every such Ordinance will be subject to the provisions of the Constitution Act relating to disallowance of Acts, and will be subject to withdrawal at any time by the Governor-General.

54. In addition to the powers to be conferred upon the Governor-General at his discretion in the preceding paragraph, the Governor-General will further be em-

powered, if his Ministers are satisfied, at a time when the Federal Legislature is not in session, that an emergency exists which renders such a course necessary to make and promulgate any such Ordinances for the good government of British India, or any part thereof, as the circumstances of the case require, containing such provisions as, under the Constitution Act, it would have been competent for the Legislature to enact.

An Ordinance promulgated under the proposals contained in this paragraph will have, while in operation, the same force and effect as an Act of the Federal Legislature, but every such Ordinance—

(a) will be required to be laid before the Federal Legislature and will cease to operate at the expiry of six weeks from the date of the reassembly of the legislature, unless both Chambers have in the meantime disapproved it by Resolution, in which case it will cease to operate forthwith; and

(b) will be subject to the provisions of the Constitution Act relating to disallowance as if it were an Act of the Federal Legislature; it will also be subject to withdrawal at any time by the Governor-General.

*Provisions in the event of a breakdown of the Constitution*

55. The Governor-General will be empowered at his discretion, if at any time he is satisfied that a situation has arisen which renders it for the time being impossible for the government of the Federation to be carried on in accordance with the provisions of the Constitution Act, by Proclamation to assume to himself all such powers vested by law in any Federal authority as appear to him to be necessary for the purpose of securing that the government of the Federation shall be carried on effectively,

A Proclamation so issued will have the same force and effect as an Act of Parliament; will be communicated forthwith to a Secretary of State and laid before Parliament; will cease to operate at the expiry of six months unless, before the expiry of that period, it has been approved by Resolutions of both Houses of Parliament; and may at any time be revoked by Resolutions by both Houses of Parliament.

CHIEF COMMISSIONERS' PROVINCES

56. Each of the Provinces known as British Baluchistan, Delhi, Ajmer-Merwara, Coorg and the Andaman and Nicobar Islands will be administered, subject to the provisions of the Constitution Act, by a Chief Commissioner who will be appointed by the Governor-General in his discretion to hold office during his pleasure.

57. Special provision will be made for British Baluchistan, whereby the Governor-General will himself direct and control the administration of that province, acting through the agency of the Chief Commissioner.

58. Legislation required for British Baluchistan will be obtained in the following manner:—

No Act of the Federal Legislature will apply to the Province unless the Governor-General in his discretion so directs, and in giving such a direction the Governor-General will be empowered to direct that the Act, in its application to the Province, or any part thereof, is to have effect subject to such exceptions or modifications as he thinks fit.

The Governor-General will also be empowered at his discretion to make Regulations for the peace and the good government of British Baluchistan and will be competent by any Regulations so made to repeal or amend any Act of the Federal Legislature which is for the time being applicable to the Province. Any such Regulation, on promulgation by the Governor-General in the official Gazette, will have the same force and effect in relation to British Baluchistan as an Act of the Federal Legislature, and will, like such Acts, be subject to disallowance by His Majesty in Council.

The provisions of the preceding sub-paragraph will apply also to the Andaman and Nicobar Islands.

59. In the Chief Commissioners' Provinces the Chief Commissioner will have all such executive power and authority as may be necessary for the administration of the Province, and in the exercise of this power and authority he will (save in case of British Baluchistan) be directly subordinate to the Federal Government.

60. The composition of the Coorg Legislative Council, as existing immediately before the establishment of the Federation, will continue unchanged, and special provisions will be made with regard to its legislative powers.



PART II.—THE GOVERNORS' PROVINCES—*The Provincial Executive*

61. A "Governors' Province" will be defined as meaning the Presidencies of Bengal, Madras and Bombay, and the Provinces known as the United Provinces, the Punjab, Bihar, the Central Provinces,\* Assam, the North-Western Frontier Provinces, Sind, and Orissa.†

62. In a Governor's Provinces the executive authority will be exercisable on the King's behalf by a Governor holding office during His Majesty's pleasure.

All executive acts will run in the name of the Governor.

63. The Governor will exercise the powers conferred upon him by the Constitution Act as executive head of the Provincial Government, and such powers of His Majesty (not being powers inconsistent with the provisions of the Act) as His Majesty may be pleased by Letters Patent constituting the office of Governor to assign to him. In exercising all these powers the Governor will act in accordance with an Instrument of Instructions to be issued to him by the King.

64. The draft of the Governor's Instrument of Instructions (including the drafts of any amendments thereto) will be laid before both House of Parliament, and opportunity will be provided for each House of Parliament to make to His Majesty any representation which that House may desire for any amendment or addition to, or omission from, the Instruments.

65. The Governor's salary will be fixed by the Constitution Act, and all other payments in respect of his personal allowances, or the salaries and allowances of his personal and secretarial staff, will be fixed by Order in Council; none of these payments will be subject to the vote of the Legislature.

*Working of the Provincial Executive*

66. For the purpose of aiding and advising the Governor in the exercise of powers conferred on him by the Constitution Act for the government of the Province except as regards matters left by the law to his discretion and the administration of Excluded Areas, there will be a Council of Ministers. The Ministers will be chosen and summoned by the Governor and sworn as Members of the Council, and will hold office during his pleasure. Persons appointed Ministers must be, or become within a stated period members of the Provincial Legislature.

67. In his Instrument of Instructions the Governor will be enjoined *inter alia* to use his best endeavours to select his Ministers in the following manner, that is, in consultation with the person who, in his judgment, is likely to command the largest following in the Legislature, to appoint these persons (including so far as possible members of important minority communities) who will best be in a position collectively to command the confidence of the Legislature.

68. The number of Ministers and the amounts of their respective salaries will be regulated by Act of the Provincial Legislature, but until the Provincial Legislature otherwise determines, their number and salaries will be such as the Governor determines, subject to limits to be laid down in the Constitution Act.

The salary of a Minister will not be subject to variation during his term of office.

69. The Governor will whenever he thinks fit preside at meetings of his Council of Ministers. He will also be authorised, after consultation with his Ministers, to make at his discretion any rules which he regards as requisite to regulate the disposal of Government business, and the procedure to be observed in its conduct and for the transmission to himself of all such information as he may direct.

70. § In the administration of the government of a Province the Governor will be declared to have a special responsibility in respect of—

(a) the prevention of any grave menace to the peace or tranquillity of the Province or any part thereof;

(b) the safeguarding of the legitimate interests of minorities;

\*As regards Berar, see paragraph 45 of the Introduction.

†The boundaries of the new Provinces of Orissa will be in accordance with the recommendations of the Orissa Committee of 1932 (following the Chairman's recommendation where this differs from that of the two Members) except that the Vizagapatam Agency and the Parlakimedi and Jalantra Maliahs in the Ganjam Agency will remain in Madras Presidency.

§See also the end of paragraph 47 of the Introduction.

(c) the securing to the members of the Public Services of any rights provided for them by the Constitution and the safeguarding of their legitimate interests ;

(d) the prevention of commercial discrimination ;

(e) the protection of the rights of any Indian State ;

(f) the administration of areas declared, in accordance with provisions in that behalf, to be partially excluded areas ;

(g) securing the execution of orders lawfully issued by the Governor-General ; and the Governors of the North-West Frontier Province and of the Sind will in addition be respectively declared to have a special responsibility in respect of—

(h) any matter affecting the Governor's responsibilities as Agent to the Governor-General in the Tribal and other trans-border Areas ; and

(i) the administration of the Sukkur Barrage.

It will be for the Governor to determine in his discretion whether any of the "Special responsibilities" here described are involved by any given circumstances.

71. If in any case in which, in the opinion of the Governor, a special responsibility is imposed upon him, it appears to him, after considering such advice as has been given to him by his Ministers, that the due discharge of his responsibility so requires, he will have full discretion to act as he thinks fit but in so acting he will be guided by any discretions which may be contained in his Instrument of Instructions.

72. The Governor, in taking action for the discharge of any special responsibility or in the exercise of any discretion vested in him by the Constitution Act, will act in accordance with such directions, if any, not being directions inconsistent with anything in his Instructions, as may be given to him by the Governor-General or by a principal Secretary of State.

73. The Governor's Instrument of Instructions will accordingly contain *inter alia* provision on the following lines :—

"In matters, the determination of which is by law committed to your discretion, and in matters relating to the administration of Excluded Areas, it is Our will and pleasure that you should act in exercise of the powers by law conferred upon you in such manner as you may judge right and expedient for the good government of the Province, subject, however, to such directions as you may from time to time receive from Our Governor-General or from one of Our principal Secretaries of State.

"In matters arising out of the powers conferred upon you for the purposes of the government of the Province other than those specified in the preceding paragraph it is Our will and pleasure that you should in the exercise of the powers by law conferred upon you be guided by the advice of your Ministers, unless so to be guided would, in your judgment, be inconsistent with the fulfilment of your special responsibility for any of the matters in respect of which a special responsibility is by law committed to you ; in which case it is Our will and pleasure that you should notwithstanding your Ministers' advice act in exercise of the powers by law conferred upon you in such manner as you judge requisite for the fulfilment of your special responsibilities, subject, however, to such directions as you may from time to time receive from Our Governor-General or from one of Our principal Secretaries of State".

#### THE PROVINCIAL LEGISLATURE—*General*

74. For every Governor's Province there will be a Provincial Legislature, consisting, except in the Provinces of Bengal, the United Provinces and Bihar, of the King, represented by the Governor, and of one Chamber, to be known as the Legislative Assembly.

In the Provinces just named the Legislature will consist of His Majesty, represented by the Governor, and of two Chambers, to be known respectively as the Legislative Council and the Legislative Assembly.

But provision will be made enabling the Provincial Legislature at any time not less than ten years after the commencement of the Constitution Act—

(a) where the Legislature consists of two Chambers, to provide by Act, where both Chambers separately have passed, and have confirmed by a subsequent Act passed not less than two years later, that it shall consist of one Chamber instead of two Chambers ; and

(b) where the Legislature consists of one Chamber, to present an Address to His Majesty praying that the Legislature may be reconstituted with two Chambers, and that the composition of, and method of election to, the Upper Chamber may be determined by Order in Council.

The Provincial Legislatures will be summoned to meet for the first time on dates to be specified by Proclamation.

Every Act of a Provincial Legislature will be expressed as having been enacted by the Governor, by and with the consent of the Legislative Assembly, or, where there are two Chambers, of both Chambers, of the Legislature.

75. Power to summon and appoint places for the meeting of the Provincial Legislature, to prorogue it and to dissolve it, will be vested in the Governor at his discretion, subject to the requirement that it shall meet at least once in every year, and that not more than twelve months shall intervene between the end of one session and the commencement of the next. Where the Legislature consists of two Chambers powers to dissolve the Chambers will be exercisable in relation to either Chamber separately or to both simultaneously.

The Governor will also be empowered to summon the Legislature for the purpose of addressing it.

76. Each Legislative Assembly will continue for five years, and each Legislative Council, where such a Council exists, for seven years, unless sooner dissolved.

77. In the case of a Province having a Legislative Council a Member of the Council of the Ministers will have the right to speak, but not to vote, in the Chamber of which he is not a member.

#### *The Composition of the Provincial Legislature*

78. The Legislative Assembly of each Governor's Province will consist of the number of members indicated against that Province in Appendix III, Part I, who will be elected in the manner indicated in the same Appendix.

79. A member of a Provincial Legislative Assembly shall be at least 25 years of age and a British subject or a subject of an Indian State.

80. The Legislative Councils of Governors' Provinces will consist of the number of members indicated in Appendix III, Part II, who will be elected, or nominated by the Governor, as the case may be, in the manner indicated in the same Appendix.

81. A member of a Provincial Legislative Council will be required to be at least 30 years of age and a British subject or a subject of an Indian State.

82. Appropriate provision will be made for the filling of vacancies in a Provincial Legislature on the lines proposed for the Federal Legislature (see paragraphs 28 and 31.)

83. Every member of a Provincial Legislature will be required to make and subscribe an oath or affirmation in the following before taking his seat :—

"I, A. B., having been elected or nominated a member of this Council or Assembly do solemnly swear (or affirm) that I will be faithful and bear true allegiance to His Majesty the King Emperor of India, His heirs and successors, and that I will faithfully discharge the duty upon which I am about to enter."

84. The following disqualifications will be prescribed for membership of a Provincial Legislature :—

(a) the holding of any office of profit under the Crown other than that of Minister.

(b) a declaration of unsoundness of mind by a competent Court ;

(c) being an undischarged bankrupt ;

(d) conviction of the offence of corrupt practices or other election offences ;

(e) in the case of legal practitioner, suspension from practice by order of a competent Court ;

but provision will be made that this and the last preceding disqualification may be removed by order of the Governor in his discretion ;

(f) having an undisclosed interest in any contract with the Provincial Government ; provided that the mere holding of shares in a company will not by itself involve this disqualification.

85. A person sitting or voting as a member of the Provincial Legislature, when he is not qualified for, or is disqualified from, membership, will be made liable to a penalty of.....in respect of each day on which he so sits or votes, to be recovered in the High Court of the Province by suit initiated with the consent of a principal Law Officer of the Provincial Government.

86. Subject to the rules and Standing Orders of the Legislature there will be freedom of speech in the Provincial Legislature. No persons will be liable to any proceedings in any Court by reason of his speech or vote, or by reason of anything contained in any official Report of the proceedings.



87. In so far as provision is not made by the Act itself for the following matters connected with elections and electoral procedure, they will be prescribed by Order in Council under the Act :—

- (a) the qualification of electors ;
- (b) the delimitation of constituencies ;
- (c) the method of election of representatives of communal and other interests ;
- (d) the filling of casual vacancies ; and
- (e) other matters ancillary to the above :

with provision that Orders in the Council framed for these purposes shall be laid in draft for a stated period before each House of Parliament.

For matters connected with the conduct of elections for the Provincial legislature other than the above each Provincial Legislature will be empowered to make provision by Act. But until the Provincial Legislature otherwise determines, existing laws or rules, including the law or rules providing for the prohibition and punishment of corrupt practices or election offences and for determining the decision of disputed elections, will remain in force; subject, however, to such modifications or adaptations to be made by Order in Council as may be required in order to adapt their provisions to the requirements of the new Constitution.

#### *Legislative Procedure*

NOTE.—The following paragraphs relating to legislative procedure are, with the exception of paragraph 91, framed, for the sake of brevity, to apply to unicameral Provincial Legislatures. Suitable modification of these provisions, for the purpose of adapting them to Legislatures which are bicameral would, of course, be made. In particular, provision would be made that in a bicameral Legislature Bills (other than Money Bills, which will be initiated in the Legislative Assembly) will be introduced in either Chamber.

88. The Governor will be empowered at his discretion, but subject to the provisions of the Constitution Act and to his Instrument of Instructions, to assent in His Majesty's name to a Bill which has been passed by the Provincial Legislature, or to withhold his assent, or to reserve the Bill for the consideration of the Governor-General. But before taking any of these courses, it will be open to the Governor to remit a Bill to the Legislature, with a Message requesting its reconsideration in whole or in part, together with such amendments, if any, as he may recommend.

No Bill will become law unless it has been passed by the Legislative Assembly with or without amendment, and has been assented to by the Governor, or in cases where the Constitution Act so provides, by the Governor-General ; in the case of a Bill reserved for the consideration of the Governor-General, the Bill will not become law until the Governor-General (or, if the Governor-General reserves the Bill, His Majesty in Council) has signified his assent.

89. When a Bill is reserved by a Governor for the consideration of the Governor-General, the Governor-General will be empowered at his discretion, but subject to the provisions of the Constitution Act and to his Instrument of Instructions to assent in His Majesty's name to the Bill, or to withhold his assent, or to reserve the Bill for the signification of the King's pleasure. He will also be empowered, if he thinks fit before taking any of these courses, to return the Bill to the Governor with directions that it shall be remitted to the Legislature with a Message to the effect indicated in the preceding paragraph. The Legislature will then reconsider the Bill and if it is again passed with or without amendment it will be presented again to the Governor-General for his consideration.

If at the end of six months from the date on which a Bill is presented to the Governor-General, the Governor-General neither assents to it nor reserves it for the signification of the King's pleasure, nor returns it to the Governor, the Bill will lapse.

90. Any Act assented to by the Governor or by the Governor-General will within twelve months be subject to disallowance by His Majesty in Council.

91. In the case of a province having a Legislative Council the Governor will be empowered in any case in which a Bill passed by one Chamber has not, within three months thereafter, been passed by the other, either without amendments or with agreed amendments, to summon the two Chambers to meet in a Joint Session for the purpose of reaching a decision on the Bill. The members present at a Joint Session will deliberate and vote together upon the Bill in the form in which it finally left the Chamber in which it was introduced and upon amendments, if any, made therein by one Chamber and not agreed to by the other. Any such amend-

ments which are affirmed by a majority of the total number of the members voting at the Joint Session will be deemed to have been carried, and if the Bill, with the amendments, if any, so carried, is affirmed by a majority of the members voting at the Joint Session, it shall be taken to have been duly passed by both Chambers.

In the case of a Money Bill, or in cases where, in the Governor's opinion, a decision on the Bill cannot, consistently with the fulfilment of any of his "special responsibilities", be deferred, the Governor will be empowered at his discretion to summon a Joint Session forthwith.

92. In order to enable the Governor to discharge the "special responsibilities" imposed upon him, he will be empowered at his discretion—

(a) to present, or cause to be presented, a Bill to the Legislature, with a Message that it is essential, having regard to any of his "special responsibilities" that any Bill so presented should become law before a date specified in the Message; and

(b) to declare by Message in respect of any Bill already introduced in the Legislature that it should, for similar reasons, become law before a stated date in a form specified in the Message.

If, before the date specified, a Bill which is the subject of such a Message is not passed, or is not passed in the form specified, as the case may be, the Governor will be empowered at his discretion to enact it as a Governor's Act, either with or without any amendments made by the Legislature after receipt of his Message.

A Governor's Act so enacted will have the same force and effect as an Act of the Provincial Legislature and will be subject to the same requirements in respect of the Governor-General's assent and to disallowance in the same manner as an Act of the Provincial Legislature, but the Governor's competence of the Provincial Legislature as defined by the Constitution.

93. It will be made clear, by the enacting words of a Governor's Act which will be distinguished from the enacting words of an ordinary Act (see paragraph 74), that Acts of the former description are enacted on the Governor's own responsibility.

94. Provision will also be made empowering the Governor, in any case in which he considers that a Bill introduced or proposed for introduction, or any clause thereof, or any amendment to a Bill moved or proposed, would affect the discharge of his "special responsibility" for the prevention of any grave menace to the peace or tranquillity of the Province, to direct that the Bill, clause or amendment shall not be further proceeded with.

#### *Procedure with regard to Financial Proposals*

95. A recommendation of the Governor will be required for any proposal in the Provincial Legislature for the imposition of taxation, for the appropriation of public revenues, or any proposal affecting the public debt of the Province or affecting or imposing any charge upon public revenues.\*

96. The Governor will cause a statement of the estimated revenues and expenditure of the Province, together with a statement of proposals for the appropriation of those revenues, to be laid in respect of every financial year before the Provincial Legislature, and where the Legislature consists of two Chambers, before both Chambers.

The statement of proposals for appropriation will be so arranged as—

(a) to distinguish between those proposals which will, and those which will not (see paragraph 98), be submitted to the vote of the Legislature and amongst the latter to distinguish those which are in the nature of standing charges (for example, the items in the list in paragraph 98 marked with an asterisk; and

(b) to specify separately those additional proposals (if any), whether under the votable or non-votable Heads, which the Governor regards as necessary for the fulfilment of any of his "special responsibilities."

97. The proposals for the appropriation of revenues, other than proposals relating to the Heads of Expenditure enumerated in paragraph 98 and proposals (if any) made by the Governor in discharge of his special responsibilities, will be submitted, in the form of Demands for Grants, to the vote of the Legislative Assembly. The Assembly will be empowered to assent, or refuse assent, to any Demand or to reduce the amount specified therein, whether by way of a general reduction of the

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\* Compare paragraph 45 and the footnote thereto.

total amount of the Demand or of the reduction or omission of any specific item or items included in it.

98. Proposals for appropriations of revenues, if they relate to Heads of Expenditure enumerated in this paragraph will not be submitted to the vote of the Legislative Assembly but except in the case of the Governor's salary and allowances will be open to discussion in the Assembly.

The Heads of Expenditure referred to above are—

(i) Interest, Sinking Fund charges and other expenditure relating to the raising, service and management of loans; expenditure fixed by or under the Constitution Act\* : expenditure required to satisfy a decree of any court, or an arbitral award ;

(ii) The salary and allowances of Governor's ; of Ministers ; and of the Governors' personal or Secretarial staff ;

(iii) The salaries and pensions (including pensions payable to their dependants) of Judges of the High Court or the Chief Court or Judicial Commissioners ; and expenditure certified by the Governor after consulting with his Ministers as required for the expenses of those Courts ;

(iv) Expenditure debitable to Provincial Revenues, required for the discharge of duties imposed by the Constitution Act on a principal Secretary of State ;

(v) The salaries and pensions payable to, or to dependants of, certain members of the Public Services and certain other sums payable to such persons (see Appendix VII, Part III).

The Governor will be empowered to decide finally and conclusively for all purposes any question whether a particular item of expenditure does, or does not, fall under any of the Heads of Expenditure referred to in this paragraph.

99. At the conclusion of the budget proceedings the Governor will authenticate by his signature all appropriations, whether voted or those relating to matters enumerated in paragraph 98 : the appropriation so authenticated will be laid before the Legislature but will not be open to discussion.

In the appropriations so authenticated the Governor will be empowered to include any additional amounts which he regards as necessary for the discharge of any of his special responsibilities, so however, that the total amount authenticated under any head is not in excess of the amount originally laid before the Legislature under that head in the statement of proposals for appropriation.

The authentication of the Governor will be sufficient authority for the due application for the sums involved.\*

100. The provisions of paragraphs 95 to 99 inclusive will apply with the necessary modifications to proposals for the appropriation of revenue to meet expenditure not included in the Annual Estimates which it may become necessary to incur during the course of the financial year.

101. Provision will be made that until Provincial Legislature otherwise determines by a decision in support of which at least three-fourths of the members have voted, no proposal for the reduction in any Province (other than a reduction *pro-rata* with the general educational grant-in-aid) of an existing grant-in-aid on account of the education of the Anglo-Indian and domiciled European community will be deemed to have received the consent of the Legislature unless at least three-fourths of the members have voted in favour of the proposal.

#### *Procedure in the Legislature*

102. The procedure and conduct of business in the Provincial Legislature will be regulated by rules to be made, subject to the provisions of the Constitution Act, by the Legislature. But the Governor will be empowered at his discretion, after consultation with the President or Speaker, as the case may be, to make rules regulating the procedure of and the conduct of business in, the Chamber or Chambers in relation to matters arising out of, or affecting, any "special responsibility" with which he is charged by the Constitution Act.

In the event of conflict between a rule so made by the Governor and any rule made by a Chamber of the Legislature, the former will prevail and the latter will, to the extent of the inconsistency, be void.

#### *Emergency Powers of the Governor in relation to Legislation*

103. The Governor will be empowered at his discretion, if at any time he is satis-

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\* See paragraph 39 of Introduction.



fied that the requirements of any of the "special responsibilities" with which he is charged by the Constitution Act render it necessary, to make and promulgate such Ordinances as in his opinion, the circumstances of the case require, containing such provisions as it would have been competent, under the provisions of the Constitution Act, for the Provincial Legislature to enact.

An Ordinance promulgated under the proposals contained in this paragraph will continue in operation for such period not exceeding six months, as may be specified therein; the Governor will, however, have the power to renew any Ordinance for a second period not exceeding six months, but in that event it will be laid before both Houses of Parliament.

An Ordinance will have the same force and effect, whilst in operation as an Act of the Provincial Legislature; but every such Ordinance will be subject to the provisions of the Constitution Act relating to disallowance of Acts and will be subject to withdrawal at any time by the Governor.

104. In addition to the powers to be conferred upon the Governor at his discretion in the preceding paragraph, the Governor will further be empowered, if his Ministers are satisfied, at any time when the Legislature is not in session, that an emergency exists which renders such a course necessary, to make and promulgate any such Ordinances for the good government of the Province or any part thereof as the circumstances of the case require, containing such provisions as, under the Constitution Act, it would have been competent for the Legislature to enact.

An Ordinance promulgated under the proposals contained in this paragraph will have, while in operation, the same force and effect as an Act of the Provincial Legislature, but every such Ordinance—

(a) will be required to be laid before the Provincial Legislature and will cease to operate at the expiry of six weeks from the date of the Legislature unless in the meantime the Legislature (or both Chambers, where two Chambers exist) has disapproved it by Resolution, in which case it will cease to operate forthwith; and

(b) will be subject to the provisions of the Constitution Act relating to disallowance as if it were an Act of the Provincial Legislature; it will also be subject to withdrawal at any time by the Governor.

#### *Provisions in the event of a breakdown of the Constitution*

105. The Governor will be empowered at his discretion, if at any time he is satisfied that a situation has arisen which renders it for the time being impossible for the government of the province to be carried on in accordance with the provisions of the Constitution Act, by Proclamation to assume to himself all such powers vested by law in any Provincial authority as appear to him to be necessary for the purpose of securing that the government of the Province shall be carried on effectively.

A Proclamation so issued will have the same force and effect as an Act of Parliament; will be communicated forthwith to the Governor-General and to a Secretary of State and laid before Parliament; will cease to operate at the expiry of six months unless before the expiry of that period it has been approved by Resolutions of both Houses of Parliament; and may at any time be revoked by Resolutions of both Houses of Parliament.

#### *Excluded Areas*

106. His Majesty will be empowered to direct by Order in Council that any area within a Province is to be an "Excluded Area" or a "Partially Excluded Area", and by subsequent Orders in Council to revoke or vary any such Orders.

107. In respect of Partially Excluded Areas the Governor will be declared to have a special responsibility (*see paragraph 70*).

The Governor will himself direct and control the administration of any area in a Province for the time being declared to be an Excluded Area.

108. Legislation required, whether for Excluded Areas or Partially Excluded Areas, will be obtained in the following manner:—

No Act of the Federal Legislature or of the Provincial Legislature will apply to such an area unless the Governor in his discretion so directs, and in giving such a direction the Governor will be empowered to direct that the Act, in its application to the area, or to any specified part thereof is to have effect subject to such exceptions or modifications as he thinks fit.

The Governor will also be empowered at his discretion to make Regulations for the peace and good government of any area which is for the time being an Excluded

Area or a Partially Excluded Area and will be competent by any Regulation so made to repeal or amend any Act of the Federal Legislature or of the Provincial Legislature which is, for the time being, applicable to the area in question.

Regulations made under this provision will be submitted forthwith to the Governor-General and will not have effect until he has assented to them ; but, when assented to by the Governor-General, will have the same force and effect as an Act of the Legislature made applicable to the area by direction of the Governor, and will be subject to disallowance in the same manner as a Provincial Act, but will not be subject to repeal or amendment by any Act of the Provincial or of the Federal Legislature.

109. Rules made by the Governor in connexion with legislative procedure will contain a provision prohibiting the discussion in the Provincial Legislature of, or the asking of questions on, any matter arising out of the administration of an Excluded Area, and enabling the Governor, at his discretion, to disallow any resolution or question regarding the administration of a Partially Excluded Area.

### PART III.—POWERS OF THE FEDERAL AND PROVINCIAL LEGISLATURES

110. It will be outside the competence of the Federal and of the Provincial Legislatures to name any law affecting the Sovereign or the Royal Family, the sovereignty or dominion of the Crown over any part of British India, the law of British nationality, the Army Act, the Air Force Act, the Naval Discipline Act and the Constitution Act, (except, in the case of the last mentioned Act, in so far as that Act itself provides otherwise).

111. The Federal Legislature will, to the exclusion of any Provincial Legislature, have power to make laws for the peace and good government of the Federation or any part thereof with respect to the matters set out in Appendix VI, List I\*.

Laws so made will be operative throughout British India, but, in the States which have acceded to the Federation only in so far as the Ruler of the State has by his Instrument of Accession accepted the subject with which the law is concerned as a Federal subject. Federal laws will be applicable to British subjects and servants of the Crown within any part of India and to all Indian subjects of His Majesty outside India. The Federal Legislature will also be empowered to make laws regulating the discipline of His Majesty's Indian Forces, in so far as they are not subject to the Army Act, the Air Force Act, or the Naval Discipline Act, which will be applicable to these Forces wherever they are serving.

112. A Provincial Legislature will, to the exclusion of the Federal Legislature, have power to make laws for the peace and good government of the Province or any part thereof with respect to the matters set out in Appendix VI, List II.

113. Nothing in paragraph 111 or 112 will operate to debar the Federal Legislature, in legislating for an exclusively federal subject, from devolving upon a Provincial Government of any functions in relation to that subject†.

114. The Federal Legislature and the Provincial Legislatures will have concurrent powers to make laws with respect to the matters set out in Appendix VI, List III, but laws made by Provincial Legislatures under these powers will be confined in their operation to the territories of the Province. The intention of providing for this concurrent field is to secure, in respect of the subjects entered in the List referred to in this paragraph, the greatest measure of uniformity which may be found practicable, but at the same time to enable Provincial Legislatures to make laws to meet local conditions.

The Federal Legislature will not in respect of the subjects contained in List III be able to legislate in such a way as to impose financial obligations on the Provinces.

In the event of a conflict between a Federal law and a Provincial law in the concurrent field, the Federal law will prevail, unless the Provincial law was reserved

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\*NOTE.—The lists contained in this Appendix are illustrative only, and do not purport to be either exhaustive or final in their allocations.

†NOTE.—Any cost which falls in virtue of this provision on any Provincial Government, and which that Government would not otherwise have incurred, will be borne by the Federal Government. In the event of disagreement as to the amount or incidence of any charges so involved the question will be referred for decision (which will be final) of an arbitrator to be appointed by the Chief Justice of the Federal Court.

for, and has received, the assent of the Governor-General. The Federal Legislature will have no power to repeal or amend a Provincial law to which the Governor-General has thus assented, save with the prior sanction of the Governor-General.

115. It is intended that the three lists of subjects indicated in Appendix VI shall be as exhaustive as is reasonably possible. But it has been found on examination that it is not possible to enumerate every subject of a local and private character with regard to which the legislative power can appropriately rest with the Provinces only. It is accordingly proposed to include in the Provincial List a general power to legislate on any matter of a merely local and private nature in the Province not specifically included in that List and not falling within List I or List III; but in order to provide for the possibility that a subject which is in its inception of a merely local or private character may subsequently become of all-India interest, it is proposed to make that power subject to a right of the Governor-General in his discretion to sanction general legislation by the Federal Legislature on the same subject-matter.

Provision will also be made enabling either the Federal Legislature or any Provincial Legislature to make a law with respect to a residual subject, if any, not falling within the space of any of the three lists, by means of an Act to the Governor-General, given at his discretion, has been obtained, and to which (in the case of a Provincial Act) the assent of the Governor-General has been declared.

116. The Federal Legislature will be empowered, at the request of two or more Provinces, to pass a law which will be operative in those Provinces and in any other Province which may subsequently adopt it on a subject which would otherwise fall within the legislative competence of a Province only. Such a Federal Act will be subject, as regards any Province to which it applies, to subsequent amendment or repeal by the Legislature of that Province.

117. If any provision of a law of a State is in conflict with an Act of the Federal Legislature regulating any subject which the Ruler of that State has by his Instrument of Accession accepted as a Federal subject, the Act of the Federal Legislature, whether passed before or after the making of the law of the State, will prevail.

118. In order to minimise uncertainty of law and opportunities for litigation as to the validity of Acts, provision will be made limiting the period within which an Act may be called into question on the ground that exclusive powers to pass such legislation were vested in a Legislature in India other than that which enacted it; and enabling a subordinate Court before which the validity of an Act is called in question on that ground within the time limit to refer the question to the High Court of a Province or State for its decision; and also enabling the High Court of a Province or State to require a subordinate Court to make such a reference.

119. The consent of the Governor-General, given at his discretion, will be required to the introduction in the Federal Legislature of legislation which repeals or amends or is repugnant to any Act of Parliament extending to British India, or any Governor-General's or Governor's Act or Ordinance,\* or which affects any Department reserved for the control of the Governor-General, or the coinage and currency of the Federation, or the powers and duties of the Federal Reserve Bank in relation to the management of currency and exchange, or religion or religious rites and usages, or the procedure regulating criminal proceedings against European British subjects.

120. The consent of the Governor-General, given in his discretion, will be required to the introduction in a Provincial Legislature of legislation on such of the matters enumerated in the preceding paragraph, as are within the competence of a Provincial Legislature, other than legislation which repeals, amends or is repugnant to a Governor's Act or Ordinance;† or which affects religion or religious rites and usages. The introduction in a Provincial Legislature of legislation on these latter subjects will require the consent of the Governor of the Province given in his discretion.

121. The giving of consent by the Governor-General or any Governor to the introduction of a Bill will be without prejudice to his power of withholding his assent to, or of reserving, the Bill when passed; but an Act will not be invalid by reason

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\*A Governor-General's or Governor's Ordinance for the purpose of this paragraph means an Ordinance as described in paragraphs 53 and 103.

†This relates only to an Ordinance of the kind described in paragraph 103.



only that prior consent to its introduction was not given, provided that it was duly assented to either by His Majesty, or by the Governor-General or Governor, as the case may be.

122. The Federal Legislature and the Provincial Legislatures will have no power to make laws subjecting in British India any British subject (including companies, partnerships or associations constituted by or under any Federal or Provincial law), in respect of taxation, the holding of property of any kind, the carrying on of any profession, trade, business or occupation, or the employment of any servants or agents, or in respect of residence or travel within the boundaries of the Federation, to any disability or discrimination based upon his religion, descent, caste, colour or place of birth; but no law will be deemed to be discriminatory for this purpose on the ground only that it prohibits either absolutely or with exceptions the sale or mortgage of agricultural land in any area to any person not belonging to some class recognised as being a class of persons engaged in, or connected with, agriculture in that area, or which recognises the existence of some right, privilege or disability attaching to the members of a community by virtue of some privilege, law or custom having the force of law.

A Federal or Provincial law, however, which might otherwise be void on the ground of its discriminatory character will be valid if previously declared by the Governor-General or a Governor, as the case may be, in his discretion, to be necessary in the interests of the peace and tranquillity of India or any part thereof.

[ Without qualification of this kind, legislation such as, for example, the Indian Criminal Tribes Act, would be invalidated by the provisions of this paragraph.]

123. The Federal Legislature and the Provincial Legislatures will have no power to make laws subjecting any British subject domiciled in the United Kingdom (including companies, etc., incorporated or constituted by or under the laws of the United Kingdom) to any disability or discrimination in the exercise of certain specified rights, if an Indian subject of His Majesty, or a company, etc., constituted by or under a Federal or Provincial law, as the case may be, would not in the exercise in the United Kingdom of the corresponding right be subject in the United Kingdom to any disability or discrimination of the same or a similar character. The rights in question are the right to enter, travel and reside in any part of British India; to hold property of any kind; to carry on any trade or business in, or with the inhabitants of, British India; and to appoint and employ at discretion agents and servants for any of the above purposes.

Provision will be made on the same lines for equal treatment on a reciprocal basis of ships registered respectively in British India and the United Kingdom.

[ A question which will require separate consideration arises with regard to the registration in India of medical practitioners registered in the United Kingdom. A Bill which has an important bearing on this question is at present under consideration in the Indian Legislature.]

124. An Act of the Federal or of a Provincial Legislature, however, which, with a view to the encouragement of trade or industry, authorises the payment of grants, bounties or subsidies out of public funds will not be held to fall within the terms of the two preceding paragraphs by reason only of the fact that it is limited to persons or companies resident or incorporated in India, or that it imposes on companies not trading in India before the Act was passed as a condition of eligibility for any such grant, bounty or subsidy that the company shall be incorporated under laws of British India, or conditions as to the composition of the Board of Directors or as to the facilities to be given for training the Indian subjects of His Majesty.

#### ADMINISTRATIVE RELATIONS BETWEEN FEDERAL GOVERNMENT AND UNITS

##### *Relations with the Provinces*

125. It will be the duty of a Provincial Government so to exercise its executive power and authority, in so far as it is necessary and applicable for the purpose, as to secure that due effect is given within the Province to every Act of the Federal Legislature which applies to that Province; and the authority of the Federal Government will extend to the giving of directions to a Provincial Government to that end.

The authority of the Federal Government will also extend to the giving of directions to a Provincial Government as to the manner in which the latter's executive power and authority shall be exercised in relation to any matter which affects the administration of a Federal subject.

126. The Governor-General will be empowered at his discretion to issue instructions to the Governor of any Province as to the manner in which the executive power and authority in that Province is to be exercised for the purpose of preventing any grave menace to the peace and tranquillity of India or any part thereof.

*Relations with the States-members of the Federation*

127. It will be the duty of the Ruler of a State to secure that due effect is given within the territory of his State to every Act of the Federal Legislature which applies to that territory.

128. The Governor-General will be empowered and, if the terms of any State's Instrument of Accession so provide, will be required to make agreements with the Ruler of any State for the carrying out in that State, through the agency of State authorities, of any Federal purpose. But it will be a condition of every such agreement that the Governor-General shall be entitled, by inspection or otherwise, to satisfy himself that an adequate standard of administration is maintained.

129. The Governor-General will be empowered in his discretion to issue general instructions to the Government of any State-member of the Federation for the purpose of ensuring that the Federal obligations of that State are duly fulfilled.

*Financial Powers and Relations*

[ See also paragraphs 45—51 and 95—100 for the legislative procedure with regard to Financial Proposals.)

*Property, Contracts and Suits*

130. All legal proceedings which may be at present instituted by or against the Secretary of State in council will, subject to the reservations specified below, be instituted by or against the Federal Government or the Government of a Governor's province as the case may be.

131. All property in India which immediately before the date of the establishment of the Federation was vested in His Majesty for the purposes of the government of India will continue to be vested in His Majesty, but for the respective purposes of the Federal Government and the Governments of Governors' Provinces, and will, subject to any special provisions which may be made in relation to Railways, be allocated between the Federal and the Provincial Governments accordingly. Property vested in His Majesty for the purposes of the government of India which are outside the Federal and Provincial spheres will not be affected by this allocation.

Appropriate provision will also be made with regard to property outside India vested in His Majesty for the purposes of the government of India.

132. Existing powers of the Secretary of State in Council in relation to property allocated under the preceding paragraph and in relation to the acquisition of property and the making of contracts for purposes of government which are not outside the Federal and Provincial spheres will be transferred to and become powers of the Governor-General of the Federation and Governors of Provinces respectively. All contracts, etc., made under the powers so transferred will be expressed to be made by the Governor-General or the Governor, as the case may be, and may be executed and made in such manner and by such persons as he may direct, but no personal liability will be incurred by any person making or executing such a contract.

133. The Secretary of State will be substituted for the Secretary of State in Council in any proceedings instituted before the commencement of the Act by or against the Secretary of State in Council.

134. Rights and liabilities arising under any Statute or contract in existence at the commencement of the Act, including existing immunities from Indian income-tax in respect of interest on sterling loans issued or guaranteed by the Secretary of State in Council, will be maintained and any remedies which, but for the passing of the Act would have been enforceable by or against the Secretary of State in Council, will after the commencement of the Act be enforceable by or against the Secretary of State ; and all obligations arising under any such statute or contract which imposed a liability on the revenues of India will remain a liability on all the revenues of India whether Federal or Provincial.

135. Money required to meet any judgment or award given against the Secretary of State will, in the first instance, be a charge on the revenues of the Federation with the right of recovery by the Federal Government, where necessary and appropriate, from provincial revenues. The Secretary of State will have power to secure implementing of any judgment or award obtain against him.

*Allocation of Revenues*

*Note.*—Legislative powers in relation to taxation and raising of revenue will be defined by the legislative schedules in Appendix VI (see in particular items 34—37 and 49—54 of List I, and 66-67, with Annexure, of List II).

136. Revenues derived from sources in respect of which the Legislature of a Governor's Province has exclusive, or concurrent, power to make laws will be allocated as provincial revenues.

Revenues derived from sources in respect of which the Federal Legislature has exclusive power to make laws will be allocated as Federal revenues; but in the cases specified in the following paragraphs the Federation will be empowered or required to make assignments to Provinces or States from Federal revenues:—

Salt. Federal Excises. Export Duties.

137. The Federal Legislature will be empowered to assign to Provinces and States in accordance with such schemes of distribution as it may determine the whole or any part of the net revenues derived from any one or more of the sources specified in the margin; in the case, however, of export duties on jute or jute products, an assignment to the producing units will be compulsory, and will amount to at least 50 per cent. of the net revenue from the duty.

138. The net revenues derived from the sources specified below will be assigned to the Governors' Provinces. The Federal Legislature will, in each case, lay down the basis of distribution among the Provinces, but will be empowered to impose and retain a surcharge on such taxes for Federal purposes:—

Duties on property passing on death (other than land).

Taxes on mineral rights and on personal capital (other than land.)

Terminal taxes on railway, water, or air-borne goods and passengers, and taxes on railway tickets and goods freights.

Stamp duties which are the subject of legislation by the Indian Legislature at the date of federation.

139. A prescribed percentage not being less than 50 per cent. nor more than 75 per cent. of the net revenue derived from the sources specified below (exclusive of any surcharges imposed by the Provinces, and of revenues derived from taxes on the official emoluments of Federal officers or taxes on income attributable to Chief Commissioners' Provinces and other Federal areas) will be assigned on a prescribed basis to the Governors' provinces.

Provision will be made enabling this arrangement, with such modifications as may be found necessary, to be extended to any State-members of the Federation which has agreed to accept Federal legislation regarding the taxes on income referred to in the margin as applying to the State.

For each of the first three years after the commencement of the Constitution Act, however, the Federal Government will be entitled to retain in aid of federal revenues out of the moves which would otherwise be assigned to the Provinces (the amount distributed to the Provinces being correspondingly reduced) a sum to be prescribed and for each of the next seven years a sum which is in any year less than that retained in the previous year by an amount equal to one-eighth of the sum originally prescribed. But the Governor-General will be empowered in his discretion to suspend these reductions in whole or in part, if after consulting the Federal and Provincial Ministers he is of opinion that their continuance for the time being would endanger the financial stability of the Federation.

140. Legislation concerning any of the forms of taxation mentioned in the three preceding paragraphs which directly affects any revenues assigned to the Provinces under these paragraphs will require the previous consent of the Governor-General given in his discretion after consultation with the Federal and Provincial Ministers.

141. The Federal Legislature will have power to impose surcharges for Federal purposes on taxes on income (other than agricultural income), no part of the proceeds of which will be assigned to Governors' Provinces (or other Units). While



such surcharges are in operation, each State-Member of the Federation (unless it has agreed to accept Federal legislation regarding taxes on income as applying to the State) will contribute to Federal revenues a sum to be assessed on a prescribed basis. But States will not be required to contribute any counterpart to the special addition to taxes on income imposed in September 1931, if and so long as those additions are still being imposed ; though the latter will in other respects be deemed to be Federal surcharges.

142. The powers of the Federal Legislature in respect of the imposition of taxes on income or capital of companies will extend, but not until the expiry of ten years from the commencement of the Constitution Act, to the imposition of taxes on companies in any State-member of the Federation. Any taxes so imposed will, if any State so elects, be collected directly from the State by the Federal Government and not from the company.

143. Any assignment or distribution of revenues from Federal sources to State-members of the Federation will be subject to such conditions as may be laid down by Act of the Federal Legislature for the purpose of effecting adjustments in respect of any special privilege or immunity of a financial character enjoyed by a State.

144. Provision will be made for subventions to certain Governors' Provinces out of Federal revenues of prescribed amounts and for prescribed period.

145. "Prescribed" in the above paragraphs means prescribed by His Majesty by Order in Council, and the draft of the Orders will be laid before both Houses of Parliament for approval.

#### *Borrowing Powers*

146. The Federal Government will have power to borrow for any purposes of the Federation upon the security of Federal revenues within such limits as may from time to time be fixed by Federal law. [9 and 10 Will. III c. 44, sections 75 and 86, which necessitates the existing East India Loans Act procedure in relation to Indian sterling borrowing, will cease to have effect.]

147. The trustee status of the existing India sterling loans will be maintained and will be extended to future sterling Federal loans.

148. The Federal Government will be empowered to grant loans to, or to guarantee a loan by, any Governor's province or State-member of the Federation on such terms and under such conditions as it may prescribe.

149. The Government of a Governor's Province will have power to borrow for any provincial purpose on the security of provincial revenues, within such limits as may from time to time be fixed by provincial law, but the consent of the Federal Government will be required if either (a) there is still outstanding any part of a loan made or guaranteed by the Federal Government or by the Governor-General in Council before the commencement of the Constitution Act ; or (b) the loan is to be raised outside India.

#### *General*

150. Provision will be made securing that Federal and Provincial revenues shall be applied for the purposes of the government of India alone.

#### PART IV.—THE JUDICATURE.—*The Federal Court*

151. The Federal Court will consist of a Chief Justice and not less than..... Judges, together with such further Judges not exceeding as His Majesty may, from time to time, after considering any Address from the Federal Legislature submitted to him by the Governor-General, think fit to appoint.

The Chief Justice and Judges of the Federal Court will be appointed by His Majesty and will hold office during good behaviour. The tenure of office of any Judge will cease on his attaining the age of 62 years ; and any Judge may resign his office to the Governor-General.

152. The salaries, pensions, leave and other allowances of Judges of the Federal Court will be fixed by Order in Council. But neither the salary of a Judge nor his rights in respect of leave of absence or pension will be liable to be varied to his disadvantage during his tenure of office.

153. A person will not be qualified for appointment as a Judge of the Federal Court unless he—

(a) has been for at least five years a Judge of a Chartered High Court ; or

(b) has been for at least five years a Judge of a State Court in India and was,

at the date of his appointment as such, qualified for appointment as a Judge of a Chartered High Court ; or

(c) has been for at least five years a Judge of any Court, other than a Chartered High Court, and was, at the date of his appointment as such, qualified for appointment as a Judge of a Chartered High Court ; or

(d) is a Barrister of England or Northern Ireland, or a Member of the Faculty of Advocates in Scotland, of at least 15 years standing ; or

(e) has been for at least 15 years an Advocate or Pleader of any High Court or of two or more High Courts in succession.

154. The Federal Court will sit at Delhi and at such other place or places, if any, as the Chief Justice, with the approval of the Governor-General, from time to time appoints.

155. The Federal Court will have an exclusive original jurisdiction in—

(i) any matter involving the interpretation of the Constitution Act or the determination of any rights or obligations arising thereunder, where the parties to the dispute are—

(a) the Federation and either a Province or a State ; or

(b) two Provinces or two States or a Province and State

(ii) any matter involving interpretation of, or arising under, any agreement entered into after the commencement of the Constitution Act between the Federation and a Province, or a State, or between two Provinces, or a Province and a State, unless the agreement otherwise provides.

A matter brought before the Federal Court under the provisions of this paragraph will be heard in the first instance by one Judge or such number of Judges as may be prescribed by rules of Court, and an appeal will lie to a Full Bench of the Court constituted of such number, not being less than.....of Judges as may be determined in the same manner.

156. The Federal Court will have an exclusive appellate jurisdiction from any decision given by any High Court or any State Court, so far as it involves the interpretation of the Constitution Act or of any rights or obligations arising thereunder. No appeal will lie under this provision except with the leave of the Federal Court or of the High Court of the Province or the State or Supreme Court in a civil case in which the value of the subject-matter in dispute exceeds Rs.....

157. An appeal to the Federal Court will be by way of Special Case on facts stated by the Court from which the appeal is brought. The Federal Court may on application for leave to appeal require a Special Case to be stated, and may return a Special Case so stated for a further statement of facts.

158. An appeal will lie without leave to the King in Council from a decision of the Federal Court in any matter involving the interpretation of the Constitution Act, but, subject always to the grant of special leave by His Majesty, in any other case only by leave of the Federal Court, unless the value of the subject-matter in dispute exceeds Rs.....

159. There will be no appeal, whether by special leave or otherwise, direct to the King in Council against any decision of a High Court in cases where, under the Constitution Act, an appeal lies to the Federal Court, either as of right or by leave of the Court.

160. The process of the Federal Court will run throughout the Federation, and within those territories all authorities, civil and judicial, will be bound in any place within their respective jurisdictions to recognize and enforce the process and judgments of the Federal Court ; and all other Courts within the Federation will be bound to recognize decisions of the Federal Court as binding upon themselves.

161. The Governor-General will be empowered, in his discretion, to refer to the Federal Court, for hearing and consideration, any justiciable matter which he considers of such a nature and of such public importance that it is expedient to obtain the opinion of the Court upon it.

162. Provision will be made conferring on the Federal Court powers, similar to those enjoyed by High Courts, enabling the Court to grant remedies ; and the Court will be empowered, with the approval of the Governor-General, to make rules of Court regulating the practice and procedure of the Court, including the fees to be charged in respect of proceedings in the Court.

#### *The Supreme Court*

163. Provision will be made enabling the Federal Legislature to establish a Supreme Court of Appeal for British India with a jurisdiction not exceeding that

indicated in the following paragraphs and to confer on it powers to grant remedies, to regulate procedure and to prescribe fees similar to those enjoyed by a High Court.

But the introduction of any Bill promoted for this purpose will require the previous sanction of the Governor-General given at his discretion.

164. The President and Judges of the Supreme Court will be appointed by His Majesty and will hold office during good behaviour. The tenure of office of any Judge will cease on his attaining the age of 62 years ; and any Judge may resign his office to the Governor-General.

The provisions relating to the qualifications for appointment of Judges will be the same as in the case of the Federal Court, and, as in the case of that Court, the salaries, pensions, leave and other allowances of Judges will be regulated by Order in Council.

165. The Supreme Court will be a Court of Appeal from the High Courts in British India, whether established by Letters Patent or otherwise.

166. Appeals to the Supreme Court in civil cases will be subject to the provisions now applicable to appeals to His Majesty in Council, including appeals by special leave, but power will be reserved to the Federal Legislature to limit the right of appeal, so far as it depends on the value of the subject-matter in dispute, to cases in which the value exceeds a specified amount not being less than Rs. 10,000 (the existing limit in the case of appeals to the King in Council).

Appeals in criminal cases will lie only where a sentence of death has been passed or where an acquittal on a criminal charge has been reserved by a High Court, and also where leave to appeal has been given by the Supreme Court on consideration of a certificate by a High Court that the case is a fit one for a further appeal.

167. On the establishment of the Supreme Court, a direct appeal from a High Court to His Majesty in Council in either a civil or a criminal case will be barred. An appeal from the Supreme Court to His Majesty in Council will be allowed in civil cases only by leave of the Supreme Court or by special leave. In criminal cases no appeal will be allowed to His Majesty in Council, whether by special leave or otherwise.

#### *The Provincial High Courts*

168. The existing High Courts established by Letters Patent, usually known as Chartered High Courts, will be maintained.

169. The Judges of High Courts will continue to be appointed by His Majesty and will hold office during good behaviour. The tenure of office of any Judge will cease on his attaining the age of 62 years, and any Judge may resign his office to the Governor-General.

170. The qualifications for appointment as a Chief Justice or Judge will remain as at present, but the existing provision, which requires one-third of the Judges of a Court must be barristers or members of the Faculty of Advocates in Scotland and that one-third must be members of the Indian Civil Service will be abrogated.

Any person qualified to be Judge will be eligible for appointment as Chief Justice.

171. The salaries, pensions, leave, and other allowances of Judges of High Courts will be regulated by Order in Council. But neither the salary of a Judge nor his rights in respect of leave of absence or pension will be liable to be varied to his disadvantage during his tenure of office.

172. The power to appoint temporary additional Judges and to fill temporary vacancies in the High Courts will be vested in the Governor-General in his discretion.

173. Subject to any Provincial Legislature within their respective spheres, as determined by the provisions 111, 112, and 114, the High Courts will have the jurisdiction, powers and authority vested in them at the time of the commencement of the Constitution Act.

174. His Majesty will be empowered to establish additional Chartered High Courts as required, and the Governor-General will, as at present, have power to transfer areas from the jurisdiction of one High Court to that of another, and to authorise a High Court to exercise jurisdiction in parts of British India not included within the local limits of its jurisdiction, and in respect of British subjects in parts of India outside British India.

175. The Federal Legislature will have power to regulate the powers of superintendence exercised by High Courts over subordinate Courts in the Province.



PART V.—THE SECRETARY OF STATE'S ADVISERS

176. After the commencement of the Constitution Act the Councils of India as at present constituted will cease to exist. But the Secretary of State will be empowered to appoint not less than three, nor more than six, persons (of whom two at least must have held office for at least ten years under the Crown in India) for the purpose of advising him.

177. Any person so appointed will hold office for a term of five years, will not be eligible for reappointment, and will not be capable, while holding his appointment, of sitting or voting in Parliament.

178. The salary of the Secretary of State's advisers will be £..... a year, to be defrayed from monies provided by Parliament.

179. The Secretary of State will determine the matters upon which he will consult his advisers, and will be at liberty to seek their advice, either individually or collectively, on any matter. But so long as a Secretary of State remains the authority charged by the Constitution Act with the control of any members of the Public Services in India (see paragraph 187) he will be required to lay before his advisers, and to obtain the concurrence of the Majority of them to, any draft or rules which he proposes to make under the Constitution Act for the purpose of regulating conditions of service, and any order which he proposes to make upon an appeal admissible to him under the Constitution Act from any such member.

PART VI.—THE PUBLIC SERVICES—*General*

180. Every person employed under the Crown in India will be given a full indemnity against civil and criminal proceedings in respect of all acts before the commencement of the Constitution Act done in good faith and done or purported to be done in the execution of his duty.

181. Every person employed in a civil capacity under the Crown in India will hold office during His Majesty's pleasure, but he will not be liable to dismissal by any authority subordinate to the authority by whom he was appointed; or to dismissal or reduction without being given formal notice of any charge made against him and an opportunity of defending himself, unless he has been convicted in a criminal court or has absconded.

*Persons appointed by the Secretary of State in Council before the commencement of the Constitution Act, and persons to be appointed by the Secretary of State thereafter.*

182. Every person appointed by the Secretary of State in Council before the commencement of the Constitution Act will continue to enjoy all service rights possessed by him at that date or will receive such compensation for the loss of any of them as the Secretary of State may consider just and equitable. The Secretary of State will also be empowered to award compensation in any other case in which he considers it to be just and equitable that compensation should be awarded.

A summary of the principal existing service rights of persons appointed by the Secretary of State in Council is set out in Appendix VII, Part I.\* These rights will be in part embodied in the Constitution Act and in part provided for by rules made by the Secretary of State.

†183. The Secretary of State will after the commencement of the Act make appointments to the Indian Civil Service, the Indian Police and the Ecclesiastical

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\*The rights referred to in items 14, 15 and 16 of this Appendix will be extended to persons appointed by the Secretary of State in Council before the commencement of the Constitution Act and to persons appointed by the Secretary of State thereafter, serving under the Federal Government, the Governor-General (being substituted for the Governor).

†Under existing conditions the personnel required for External Affairs and for conducting relations with the States belong to a common department—the Indian Foreign and Political Department. After the commencement of the Constitution Act the latter will be under the Viceroy and their recruitment will be controlled by His Majesty's Government. The personnel of the Department of External Affairs will be under the Governor-General, who will himself direct and control that Department. The method of recruitment to it has not yet been determined by His Majesty's Government. For some time at any rate it may, for practical reasons, be found desirable to make the two departments interchangeable.

Department.\* The conditions of all persons so appointed, including conditions as to pay and allowances, pensions and discipline and conduct, will be regulated by rules made by the Secretary of State. It is intended that these rules shall in substance be the same as those now applicable in the case of persons appointed by the Secretary of State in Council before the commencement of the Act.

184. Every person appointed by the Secretary of State will continue to enjoy all service rights existing as at the date of his appointment, or will receive such compensation for the loss of any of them as the Secretary of State may consider just and equitable. The Secretary of State will also be empowered to award compensation to any such person in any other case in which he considers it to be just and equitable that compensation should be awarded.

185. The Secretary of State will be required to make rules regulating the number and character of civil posts to be held by persons appointed by the Crown, by the Secretary of State in Council or by the Secretary of State, and prohibiting the filling of any post declared to be a reserved post otherwise than by the appointment of one of those persons, or the keeping vacant of any reserved post for a period longer than three months without the previous sanction of the Secretary of State or save under conditions prescribed by him.

186. Conditions in regard to pensions and analogous rights will be regulated in accordance with the rules in force at the date of the Constitution Act and the Secretary of State will have no power to make any amending rules varying any of these conditions so as to affect adversely the pensions, etc., of any person appointed before the variation is made. An award of pension less than the maximum pension admissible will require the consent of the Secretary of State.

Claims in respect of pensions will be against the Federal Government only; it will be for the Federal Government to make any necessary adjustments with the Provinces. The pensions of all persons appointed before the commencement of the Constitution Act will be exempt from Indian taxation if the pensioner is residing permanently outside India. The pensions of persons appointed by the Secretary of State or by the Crown after the date will also be exempt from the Indian taxation if the pensioner is residing permanently outside India.

187. The existing rule-making powers of the Secretary of State in Council will continue to be exercised by the Secretary of State in respect of persons appointed by the Secretary of State in Council or to be appointed by the Secretary of State until His Majesty by Order in Council made on an Address of both Houses of Parliament designates another authority for the purpose. Any rule made by the Secretary of State will require the approval of the Secretary of State's Advisory Council, unless and until both Houses of Parliament by resolution otherwise determine.

188. Provision will be made whereby any person appointed by the Crown who is or has been serving in India in a civil capacity and any person who, though not appointed by the Secretary of State in Council before the commencement of the Constitution Act, or by the Secretary of State after its commencement, holds or has held a post borne on the cadre of the Indian Civil Service, may be given such of the rights and conditions of service and employment of persons appointed by the Secretary of State in Council or by the Secretary of State, as the Secretary of State may decide to be applicable to his case.

189. A statement of the vacancies in, and the recruitment made to the Services and Departments to which the Secretary of State will appoint after the commencement of the Constitution Act will be laid annually before both Houses of Parliament.

At the expiration of five years from the commencement of the Constitution Act, a statutory enquiry will be held into the question of future recruitment for those Services, except the Foreign Department and the Ecclesiastical Department. The decision on the results of this enquiry, with which the Governments in India concerned will be associated, will rest with His Majesty's Government, and be subject to the approval of both Houses of Parliament.

*Persons appointed or to be appointed otherwise than by the Secretary of State in Council or the Secretary of State*

190. The Federal and Provincial Governments respectively will appoint and, subject to the following paragraphs, determine the conditions of service of all persons in the Federal and Provincial services other than persons appointed by the Crown, by the Secretary of State in Council, or by the Secretary of State.

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\*See also the end of paragraph 72 of the Introduction.

191. Every person in those Services at the commencement of the Constitution Act will continue to enjoy all service rights existing as at that date. A summary of the principal existing rights is set out in Appendix VII, Part II.

192. No person appointed by an authority other than the Secretary of State in Council who was serving in India in a civil capacity before the commencement of the Constitution Act will have his conditions of service in respect of pay allowances, pension or any other matter, adversely affected, save by an authority in India competent to pass such an order on the 8th March 1926, or with the sanction of such authority as the Secretary of State may direct.

193. No rule or order of the Federal or a Provincial Government affecting emoluments, pensions, provident funds, or gratuities, and no order upon a memorial will be made or passed to the disadvantage of an officer appointed to a Central Service, Class I, or to a Provincial Service, before the commencement of the Act, without the personal concurrence of the Governor-General or the Governor, as the case may be. No post in a Central Service Class I, or any Provincial Service shall be brought under reduction, if such reduction would adversely affect any person who, at the commencement of the Constitution Act, was a member of those services, without the sanction of the Governor-General or the Governor, as the case may be, or in the case of any person appointed by the Crown or by the Secretary of State in Council, or the Secretary of State.

194. Every person, whether appointed before or after the commencement of the Constitution Act, who is serving in a civil capacity in a whole-time permanent appointment, will be entitled to one appeal against any order of censure or punishment, or against any order affecting adversely any conditions of service, pay, allowances, or pension, or any contract of service, other than an order made by the Federal Government in the case of officers serving under the control of that Government, or an order made by a Provincial Government in the case of officers serving under the control of Provincial Governments.

#### *Public Service Commissions*

195. There will be a Federal Public Service Commission and a Provincial Public Service Commission for each Province ; but by agreement the same Provincial Commission will be enabled to serve two or more Provinces jointly.

196. The members of the Federal Public Service Commission will be appointed by the Secretary of State, who will also determine their number, tenure of office and conditions of service, including pay allowances, and pensions, if any. The Chairman at the expiration of his term of office will be eligible for further office under the Crown in India: the other members will be eligible for appointment as Chairman of the Federal Commission or as Chairman of a Provincial Commission, and their eligibility for other appointments under the Crown in India will be subject to regulations made by the Secretary of State.

197. The members of a Provincial Public Service Commission will be appointed by the Governor, who will also determine at his discretion their number, tenure of office, and conditions of service, including pay, allowances, and pensions, if any. The Chairman at the expiration of his term of office will be ineligible for further office under the Crown in India, save as Chairman or member of the Federal Public Service Commission. The other members will be eligible for appointment as Chairman or members of the Federal Commission or of any Provincial Commission, and their eligibility for other appointments under the Crown in India will be subject to regulations made by the Governor.

198. The emoluments of the members of all Public Service Commissions will not be subject to the vote of the Legislatures.

199. The Federal and Provincial Public Service Commissions will conduct all competitive examinations for appointments to Federal and Provincial Services respectively. The Governments will be required to consult them on all matters relating to methods of recruitment, on appointments by selection, on promotions, and on transfers from one service to another, and the Commissions will advise as to the suitability of candidates for such appointments, promotions or transfers.

200. The Federal and Provincial Governments will also be required, subject to such exceptions (if any) as may be specified in regulations to be made by the Secretary of State or a Governor, as the case may be ; to consult the Public Service Commissions in connection with all disciplinary orders (other than an order for suspension) affecting persons in the Public Services in cases which are submitted to the Governments for orders in the exercise of their original or appellate powers ; in



connection with any claim by an officer that a Government should bear the costs of his defence in legal proceedings against him in respect of acts done in his official capacity ; and in connection with any other class of case specified by regulations made from time to time by the Secretary of State or a Governor, as the case may be. But no regulations made by a Governor will be able to confer powers on a Provincial Commission in relation to any person appointed by the Secretary of State without the assent of the Secretary of State, or, in relation to any other person who is not a member of one of the Provincial Services, of the Governor-General.

201. The Federal and Provincial Governments will be empowered to refer to the appropriate Commission for advice any case, petition, or memorial, if they think fit to do so ; and the Secretary of State will be empowered to refer to the Federal Commission any matter relating to persons appointed by him on which he may desire to have the opinion of the Commission.

#### PART VII.—TRANSITORY PROVISIONS

\*202. The Constitution Act, though treating the Federation as a whole, will contain provisions enabling the Provincial Constitutions for which it provides to be brought into being if necessary before the Constitution as a whole comes into being. Transitory provisions, also, to be included in the Constitution Act, will enable in that event temporary modifications to be made in the provisions of the Constitution Act for the purpose of continuing the existence of the present Indian Legislature, of removing the limit to the number of Counsellors whom the Governor-General may appoint, of placing the administration of all departments of the Central Government under the Governor-General's exclusive control, and of suspending the operation of the provisions relating to the Council of Ministers. Broadly stated, the effect of those transitory provisions will be that the executive of the Central Government, though necessarily deprived of much of its present range of authority in the Provinces, would for the time being be placed in substantially the same position as that occupied by the Governor-General in Council under the existing Act.

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\*This paragraph should be read in relation to paragraphs 12 and 13 of the Introduction.

# INDIA IN PARLIAMENT

JANUARY—JUNE 1933





# INDIA IN PARLIAMENT

## CONSERVATIVE ATTACK ON INDIAN POLICY

HOUSE OF COMMONS—22nd. FEBRUARY 1933

In the House of Commons on the 22nd. February *Sir Henry Page Croft* moved his motion which "declares Central Responsibility is inexpedient in India at present and urges that extension of Self-Government to the Provinces should be the first step. It affirms that until provincial Self-Government has proved effective and the provinces with due experience are prepared to federate with the States as partners of the British Empire general Self-Government will be gravely dangerous to the welfare of the inhabitants of India and the British interests involved in it."

*Sir Henry Page-Croft* proposing his motion dwelt on the importance of the subject which he said, far transcended any other question that the House was likely to be called on to consider. He referred to the grave anxiety felt especially in Lancashire, and said that if the members felt that Government was going too far it was their duty to express their feeling immediately.

*Sir H. Page-Croft* maintained that the Conservatives endorsed the hasty ideas of the Labour Government without facing the realities or considering the consequences of the policy which must mean the end of the British rule and influence in India. *Sir Henry* paid a tribute to *Sir S. Hoare* for the "extraordinary change" since he took office and likened him to the man who jumped on to a runaway coach tearing down-hill. He reminded *Sir S. Hoare* that there was a safe side-road to the Provinces and urged that when the Provinces graduated in the hard school of self-government and desired partnership in the Empire it will be the summit of Britain's Imperial purpose, but those conditions did not exist at present.

*Mr. Marsden* (Conservative), seconding the motion, contended that the preponderating agricultural population had been inadequately represented at the Round Table Conference. He dwelt on the need of good administration whatever form of Government and urged the need of cautious progress. He advocated ascertaining the result of the responsibility in the Provinces, before giving it in the Centre.

An amendment to *Sir Henry Page-Croft's* motion in the Commons had been tabled by *Lord Eustace Percy* and *Mr. Molson*, declaring that it was inadvisable at present to make any declaration of policy with regard to the future of the Government of India which might be interpreted either as signifying a change of its general attitude or restricting its freedom to pass a considered judgment on the concrete proposals to be laid before it in future.

There was also a Socialist amendment demanding the release of political prisoners not convicted for violence.

Both the Labourite and *Lord Eustace Percy's* amendments were on paper and the Speaker called on *Lord Percy*. Although the Speaker's reasons for the selection of particular amendments were not known, was in accordance with the usual principles that the wider of the two amendments should be chosen, even though a more restricted amendment had been put down by the official Opposition. Any way the selection of the amendment was exclusively the prerogative of the Speaker.

*Lord Percy* pointed out that he moved the amendment because he felt that *Sir H. Page-Croft* sought to commit the House to definite proposals, whereas the House of Commons was not committed to any particular proposals. Urging that the select committee should be independent and unfettered by any previous declarations *Lord Percy* said that many people felt that the House would have to resolve itself into the Committee to determine afresh nothing less than the best form of Government for India. Referring to *Sir H. Page-Croft's* advocacy of the Simon Report, *Lord Percy* pointed out that the chapter of finance was now out of date and added that it was impossible to have the real test of capacity of self-government, unless the text included responsibility for law and order. *Lord Percy* stressed the impossibility of leaving the existing constitutions unchanged and concluded by urging the House to refrain from prejudging the eventual decision or prejudicing the fair-minded consideration of the Government's proposal by passing *Sir Henry Page-Croft's* resolution, which could not represent the lines of the future Government of India.

*Major Attlee* declared that *Sir H. Page-Croft* had ignored some prime facts of the situation. He reminded the House that there was a definite pledge which could not be disregarded. Stressing the importance of getting Indian opinion ready to work the reforms he emphasised the strength and force of nomination in India and said he believed that the success of the next step would lie not in accuracy of the reforms in every detail, but gesture on the part of Government by releasing the political prisoners and inviting the Congress again to join in the work.

*Mr. Bernays*, supporting the amendment, declared that the risks of Government policy were negligible compared with the risk of Churchill's policy, which involved a return to the 19th century structure of the Government, without its stability.

*Mr. Churchill*, intervened and said that the only policy to which he was committed was within the ambit of the Simon Commission.

*Mr. Bernays* replied that that was the policy he was attacking and said that it was not a choice between the Simon Report and the White Paper, but between the White Paper and military autocracy. He expressed the opinion that a large section in India desired peace and to be detached from civil disobedience by a generous settlement.

*Sir R. Mitchell Banks* caused laughter by declaring that he and *Mr. Gandhi* were the only two genuine diehards living. *Gandhi* would like to revert to 1758 and *Sir R. Banks* to 1858. The difference was that *Mr. Gandhi* thought it possible to revert to 1758 and the speaker knew that it was impossible for him to revert to 1858 even to 1920. He urged the House not to take ill-advised and premature action but reserved the right to be satisfied with their own conscience and the best interests of the Empire.

*Sir Alfered Knox* supporting *Sir H. Page-Croft*, was of opinion that the debate would indicate the depth of feeling with regard to the British commitments in India and future policy.

#### SECRETARY OF STATE'S STATEMENT

*Sir Samuel Hoare* assured the House that the Government had not the least intention of abandoning their Indian obligations and taking action which would close India to the Empire. He emphasised that there was no change in the position of himself, the Government and the House of Commons since the Government proposals of December 1931 were overwhelmingly approved. The position was exactly the same with one exception, that the state of India was much better. (Cheers).

*Sir S. Hoare* referred in this connection to the substantial restoration of law and order, the crushing of the boycott, the release, without serious result, of two-thirds of civil disobedience prisoners and the "most notable evidence of all" the overwhelming ratification of the Ottawa Agreement and the enactment by the Central and Provincial legislatures of legislation to deal with any renewed threats against the established Government. He claimed that nothing had happened to justify the House of Commons altering its general attitude on Indian reforms.

*Sir S. Hoare* proceeded to refer to *Major Attlee's* appeal for the release of political prisoners and said he was afraid he had nothing to add to the answers he had given to the questions in the House. We are genuinely very anxious for the co-operation of every section of opinion but were not prepared to repeat the experiment that had not altogether succeeded owing to the action of the Congress two years ago. We could not contemplate a release of that kind until we were fully satisfied that civil disobedience will not break out again.

Dealing with the points raised by *Sir Henry Page-Croft*, *Sir S. Hoare* admitted the financial difficulty and pointed out that it was impossible to forecast the exact position when a Federation was established. He reminded the House of the expert view that the Federal Government would not cost substantially more than the existing Central Government.

*Sir S. Hoare* did not discuss Safeguards in detail, but said that the Government had not receded from the position taken up from the start. He asked for the suspension of judgment until the White Paper was published. He emphasised that an effective Federation, representing a big body of Indian States, was the basic condition of the Government proposals.

*Sir S. Hoare* sympathised with the anxiety with regard to law and order and assured the House that the Government were giving full attention to it, particularly the question of Indian Police.

Within the limits of the transfer of law and order, the Government were taking every step to safeguard the future of the great Service to which we were under perpetual obligations.

*Mr. Churchill* asked if it had been decided to transfer law and order in the Provinces.

*Sir S. Hoare* proceeded to explain that the Government had been driven to the conclusion that Provincial Autonomy was a contradiction in terms and would not work without the transfer of law and order. He had discussed the matter with Indians of every school of thought and in no province could a substantial body of opinion work Provincial Autonomy if law and order was not transferred. These were the arguments of the Simon Commission and Government had come to much the same conclusion.

In affirming *Sir Henry Page Croft's* resolution that it would drive every Indian into non-co-operation, *Sir S. Hoare* contended that the wise course was to continue on the present line. It would not always be easy for the Congress to refuse the present conditions to co-operate. None the less we have many more friends in India than a year or two ago and several large sections of public opinion supported the policy. It would be disastrous if, with the work already done and the success achieved, the House seemed to show vacillation.

*Sir S. Hoare* agreed that the last decision must rest with the Government in the preparation of the Bill and with Parliament in the attitude it took thereto and it was because of this that the Government proposed a unique procedure in constitutional history. Government was not trying to repeat the Irish precedent or facing the House with a dilemma of accepting a document or repudiating a pledge. Government proposals would, in a few weeks' time, be circulated as a White Paper which would go to the Select Committee empowered to confer with Indians. The Select Committee would be master of its own procedure and be able to present its own proposals.

*Sir H. P. Croft* asked if *Sir S. Hoare* would allow a free vote on the White Paper.

*Sir S. Hoare* said that he was unable to give a pledge now, but there would be a full debate on the resolution establishing the Committee.

*Sir S. Hoare* concluded by appealing to the House to consider the proposals impartially and satisfy themselves, not only with their wisdom but also with warm hearts, remembering that Britishers and Indians were not rival nations fighting for supremacy, but representatives of two great civilisations, which, if held together, might confer a benefit unprecedented in the history of the world and the British Empire.

Before the adoption of *Lord Percy's* amendment, the time allotted for the debate expired and the House proceeded to other business.

#### OFFICIAL POLICY APPROVED

*Sir H. Page-Croft's* motion was defeated by 207 votes to 42 and *Lord Percy's* amendment adopted.

## Debate on the White Paper

HOUSE OF COMMONS—27th. MARCH to 29th. MARCH 1933

The Commons was crowded on the 27th. March for the three-days' debate on the motion of *Sir S. Hoare* for the appointment of a Joint Committee of Peers and Commons to consider the Government's scheme of constitutional reform for India.

*Sir S. Hoare* emphasised that the House was not asked to decide the merits of the Government's scheme at present and declared it was nonsense to suggest that Government had in any manner altered their policy. He dwelt on the pledges given to India and emphasised the necessity of a strong executive in India. He declared that the safeguards were as much in the Indian interests as in the British.

*Major Attlee* read a statement on behalf of the Labourites that the reserved powers should not prejudice India's advance to full responsibility and asked for the



release of political prisoners. He said that they would serve on the Select Committee and do their utmost to get their views incorporated in the Committee's report.

### Sir Samuel Hoare's Motion

The House was quite full and the galleries were crowded when *Sir Samuel Hoare* rose at 9-30 p.m. to move that—

"Before Parliament was asked to take a decision upon the proposals contained in the White Paper, it is expedient that a Joint Select Committee of the Lords and the Commons, with power to call into consultation representatives of Indian States and British India, should be appointed to consider the future Government of India particularly to examine and report upon the proposals in the White Paper."

After various comments on the Government's position, he said that on the one hand their Indian policy was regarded as a white flag and on the other hand as a red flag flouting Indian nationalism. Amidst this diversity of tongues and extremity of abuse, he comforted himself with two reflections—first, that both the lines of criticism could not be right and, second, he asked the House to consider whether the Government's proposals were sound and unsound and did not ask the House to go any farther than in the previous Indian debates or come to any decision on the merit of the Government's scheme in this debate. It would be unfair, indeed almost criminal, to ask the House and Indian public opinion to come to definite decisions after two or three days' debate.

It was all moonshine to suggest that the Government had, in any way, altered their general lines of policy or had changed the procedure as a result of pressure from this or that section of the House. Parliament would be most unwise—and in view of the fact that year after year we had led India to believe in the continuous bestowal of new instalments of constitutional progress, it would be most unjust and unwise—to ignore this long continuous history and the moral obligations if not pledges into which time after time we had had entered.

"We could not isolate the Indian question from the general field of Asiatic questions", said Sir S. Hoare referring particularly to the Far Eastern situation, and asked, "is it a wonder, with all this ferment in Asia, that India should be raising its voice for recognition and demanding a greater share in its own Government?"

Great changes were now inevitable in the Government of India. Everyone admitted that changes were necessary and it was essential that no changes that Government proposed, still less any changes that Parliament enacted, should weaken the Indian Executive either in the Centre or in the Provinces, Government were concentrating on essentials and defining responsibility. It was essential that the Executive in the Centre and in the Provinces should be strong.

If the Government scheme was long, complicated and intricate, it was not due to the muddle-headedness of the Government, but to the complexities of the Indian problem. The aim was to give the widest possible opportunity to India for her own self-government and self-development.

No scheme which did not honestly face all those problems or make serious attempt to reconcile those interests—often "conflicting interests"—was worth the paper on which it was written. They had attempted to reconcile these interests. We began with the main Indian interests where our object had been to give Indians the widest possible opportunities for their own self-government and self-development. The safeguards which would necessarily take so prominent a place in the White Paper were designed just as much in the Indian interests as in the British. Indeed, one of the most significant facts of the proceedings of the R. T. C. in December was the demand by Indians themselves towards safeguards.

In the R. T. C. day after day were Hindus or Sikhs in the Punjab demanding safeguards for their communities, were Moslems demanding safeguards in Hindu provinces and were Depressed Classes demanding safeguards in provinces where there were many Depressed Class members. Another instance was the demand reiterated by All-Indian minorities for a declaration of fundamental rights in addition actually to the demands for safeguards.

"I state these facts to-day to show that these safeguards are just as necessary and just as strongly demanded by Indian public opinion as they are by British public opinion. In approaching the question of Indian interests we have attempted to give the fullest possible scope for Indians to develop themselves on their own lines. We have tried to give the fullest possible scope for Indian aspirations. If

we have introduced safeguards, it was because we believe that those safeguards are necessary if stable Government is to continue. It is said in India that the proposed transfer of responsibility to Indians amounts to little or nothing. Let Indians look upon the question from the viewpoint of the 230 millions who live in villages making a living upon land. Practically every single matter affecting them from day to day and from year to year it is proposed to place under the direction of an Indian Minister depending upon a legislature elected by Indians on a wide franchise—a franchise made wider than now for the express purpose of giving the agricultural masses a chance to make their voice heard and for the express purpose of the protection of the poorer and less influential minorities”.

Sir S. Hoare said that the Indian cultivator was interested in rent, roads, water-supplies, police, education, public health, protection of cattle from disease, the improvement of seeds and the provision of credits. There were 77 important items in the list of provincial subjects. All these would in future be controlled and directed by a Government responsible to himself and his fellows. Thirteen years ago all such things were under the control of official Government. No such change had ever been proposed by constitutional methods in the Government of so vast a country in so short a time.

For the best part of the century, rightly or wrongly, we had led India on Western lines. We have made every responsible public man in India believe that Western, particularly British, institutions were suited to India's developments. The past pledges had left full liberty to Parliament in the choice of the time and the manner of constitutional advance.

Dwelling on the importance of a strong executive, Sir S. Hoare said Government had not been blind to the recent world happenings. Government after Government and constitution after constitution in the East as well as the West had foundered owing to the weakness of the Executive.

As regards what were commonly called British interests but were in fact joint Anglo-Indian interests, he said that after long years of partnership neither Government nor Parliament could agree to the repudiation of all those obligations into which we had entered of protecting the weaker from tyranny of the strong, avoiding anarchy and defending religious minorities from persecution.

All those obligations were included in general terms in joint Anglo-Indian interests which Government proposed to safeguard. The safeguards were not paper safeguards, and, if necessary, they could be carried into full effect.

Sir S. Hoare deplored the attempts to shake confidence in Indian stocks, and said that it was essential for the success of the Federation that Indian credit should be maintained. Every Indian investor would have that at heart. Half of India's debt had been raised in India and the investor might rest assured that Parliament would never accept the Government's proposal if there were justifications for the gloomy forecast of India's financial future.

Describing the commercial safeguards, Sir S. Hoare said that they were based on reciprocity which meant that anything we did for Indian traders or professional men in Britain, Indians should do for British traders and professional men in India. Anglo-Indian commercial relations were much better settled by agreement if possible. It was a satisfactory augury that Indian delegates at Ottawa were able to make a satisfactory agreement, at any rate on part of the subject, with representatives of Britain and the rest of the Empire which was ratified by a huge majority by the Indian Senate.

Referring to the Princes, Sir S. Hoare paid a tribute to their long hereditary experience of Government and said however much the Princes might disagree among themselves, they were at any rate unanimous on two fundamental conditions—firstly, their support of stable government and secondly, their determination to rest within the British Empire. Indian States, through their representatives, had made it quite clear that they were not prepared to enter any Government which was wholly under the control of Whitehall. If, therefore, we were to have this valuable support of Indian Princes, it was necessary to embark on comprehensive proposals that would cover the Centre as well as the Provinces.

Government attached the greatest value to the accession of Indian Princes to any system of Indian Government and their being represented in the Central Government. Indian opinion almost unanimously wanted a comprehensive scheme. Everyone was anxious to see autonomy started in the Provinces, but we must realise that there was little or no chance of that being achieved in a reasonable atmosphere of goodwill if we did not at the same time make proposals covering the Federal

Centre. Referring to the interests of the Indian States, Sir S. Hoare said the White Paper said nothing about the relations of Indian Princes with the Crown for the very good reason that the broad question of Paramountcy did not enter the Federal Scheme and the Princes did not enter the scheme at all except so far as they themselves agreed to modify their treaties upon entering Federation. There were two types of federation, one retaining predominant power at the Centre and the other moving the balance of power to the federal units. Deliberately and designedly they had chosen the second type, namely, federation which transferred the main balance of power to the federal units.

They made the choice for the obvious reason that the great Indian subcontinent with increasingly difficult problems was too diverse a unit to be managed by a highly centralised Federal Government. Therefore the basis of the proposals was for the Federal Government to be with a definitely limited field of activity confined to specified federal subjects. The Federal Government should have sufficient revenue to meet its federal obligations and the provinces should be given the fullest possible field for autonomous development. One of the greatest advantages of the Indian Federal scheme was the advantages given to the Provinces to develop on their own lines. Sir S. Hoare thought they had pushed centralisation too far recently in India.

Dealing with the possibilities of an Extremist majority in the Centre and possibly in several provinces which might smash the scheme, Sir S. Hoare did not wish to prophesy, but he thought that if the House analysed the proposals they would agree that it was almost impossible, short of a landslide for the Extremists to control the federal Centre. He believed it was extremely difficult for Extremists to get a majority in Provinces like Bengal. As far as Indian interests were concerned, he believed their proposals were safeguarded and did a fair thing between the Centre and the Provinces and the Centre and Indian States.

All these obligations were included in the general terms "joint Anglo-Indian Interests" which Government proposed to safeguard. It was fairer and more honest to list these safeguards in the White Paper. The safeguards were liable to attack from both sides. Indians said they amounted to so much that the responsibility became a sham. Critics in this country said that no safeguards were any good. "We often hear these criticisms stated in the form of a dilemma: "If the safeguards are effective, responsibility is a sham; if responsibility is effective, the safeguards are a sham." Fortunately the world is not run on the Rule of Three. If this were a true dilemma, it will mean one of two things. First, either there could never be responsibility in India; secondly, if there were responsibility, it must be responsibility without safeguards," Sir Samuel claimed that no serious body of opinion either in Britain or in India was prepared to accept either of those alternatives. Certainly among the first to protest would be the representatives of the Indian minorities who made their voices so powerfully heard at the last Round Table Conference.

Sir S. Hoare mentioned the Irish Treaty which he said bore no analogy to the Indian situation. The Irish Treaty broke down because there were no safeguards.

In India, the Governor-General, the Provincial Governors and other high officials would still be appointed by the Crown. The security services and the executive officers of the Federal and Provincial Government would still be recruited and protected by Parliament and the army would remain under the undivided control of Parliament. Those were no paper safeguards. The heads of Government were endowed with great power and were given the means of giving effect to those powers.

Sir S. Hoare referred to a recent letter of Lord Zetland to "The Times" in which he stated that the safeguards might be all right on paper but would require a veritable superman as Governor. These criticisms deserved careful weighing and answering. As regards the Governor-General there were 47 Central subjects for which he was responsible. No one supposed that the Governor-General was at present a mere figure-head holding one of the most arduous and most responsible offices in the Empire and in addition to central responsibilities, he was responsible for the superintendence and control of important reserved subjects in the Provinces besides the relations between the two Houses of the legislature. His present responsibilities were overwhelming and all-pervading and they would be very heavy in future. He had discussed the question with the Viceroy, ex-Viceroy and several Provincial Governors. They all took the view that on the whole the responsibilities of the Governor-General were and would be less rather than greater in the future. Referring to the police organisation, he hoped there would be strong selection



boards for appointments and promotions in the subordinate ranks. It was to such means that Government looked for the security of the police from deterioration, but the morale of the police was of importance in emergencies beyond that of any other service. The White Paper had taken account of it. Let there be no doubt on the matter. The work of the police would be the responsibility of the Minister and, if for no other reason, the Minister would be deeply concerned in Police efficiency, because at every point its work would be subject to criticism. The Governor was given special responsibility in the case of any grave menace to the peace or tranquillity of the province and the Instrument of Instructions would direct him to have regard to close relations between this responsibility and the internal administration and discipline of the force.

*Sir Robert Horne* asked whether there was any limit for the time during which the Secretary of State exercised discretion in the appointment of the Police.

*Sir S. Hoare* replied that there would be no limit for time. After five years, there would be a Statutory Commission to enquire into the various problems connected with the services referred to in the proposals.

Government attempted to face facts ignoring none of the difficulties. *Sir S. Hoare* paid a warm tribute to the value of the Simon Commission without which progress would be impossible. Government were also indebted to Indians who came to the R. T. C. year after year, often in the face of great criticism in India. *Sir S. Hoare* appealed to Moderates of goodwill and commonsense in both the countries. He said he was unable to see a better scheme and he asked critics to face facts and if they could produce a better, more workable and safer scheme. He knew many were nervous who had served India and the empire in the past, but administrators of to-day in India had equal right to be heard with the administrators of yesterday. This scheme had the support of every responsible British official in high post to-day.

*Sir S. Hoare* commended the proposals to the House and asked for their support in establishing a strong and wise committee to test the truth of what he urged and help to frame a scheme which would take the Indian question out of the welter of party politics for a generation, safeguarding both Indian and British interests and uniting India more strongly than ever to the British Commonwealth.

*Sir S. Hoare's* speech, lasting 105 minutes, was listened to with the closest attention and was subjected only to a few interruptions for the purpose of eliciting information. At the conclusion of the speech, he was warmly cheered by Ministerialists.

#### Labour Party's Attitude

*Major Attlee*, on behalf of the Opposition, read the following statement which laid down the exact attitude of the Labourites to the whole question of the Indian Constitutional Reform :

"Since the commencement of the British control of India in 1857, successive British Governments have given pledges to the people of that country.

"The Labour Party desire to see the pledges carried out. They stand by the declaration made at the Blackpool Conference of 1927 the effect of which was to reaffirm the right of the Indian people to full self-government and self-determination.

"Therefore the policy of the British Government should be one of continuous co-operation with the Indian people with the object of establishing India as early as possible by her own consent as an equal partner in the British Commonwealth.

"The Labour party believe that as stated by the Simon Commission, the new constitution should contain within itself provisions for its own development. We think that the new constitution should contain the principle laid down in the Irwin Gandhi Pact that such safe-guards as are necessary should be in the interests of India and think that they should be agreed to in co-operation with the leaders of Indian opinion. The Indian Constitution should adopt the principle laid down by the Labour Government at the First Round Table Conference and repeated as their policy by the National Government at the Second Round Table Conference that the reserved powers should not be such as to prejudice the advance of India through the new constitution to full responsibility for her own government.

"The Labourites stand by the principle that a statement cannot be reached without the co-operation and consent of all sections of India. Therefore I ask for a the release of political prisoners.

"If a Joint Committee is set up the Party will nominate its representatives because it is our duty to serve such a body representing the two Houses and will do our utmost to get our views discussed and incorporated in the Committee Report."

*Major Attlee* emphasised the declaration made on behalf of Britain and said that the Labour Government's policy was co-operation, free discussion and agreement for which it went great lengths and achieved a remarkable triumph when Congress representatives were present at the Round Table Conference and all Indian political opinion was called into co-operation.

A chance followed under the National Government. The Round Table Conference was dismissed. An era of repression against the Congress was started and the whole structure of conciliation was shattered. The Third Round Table Conference contained a small number of handpacked unrepresentative delegates. It was a mistaken policy because it was impossible to smash the Congress by force and reach a satisfactory conclusion with a few Indian representatives. The White Paper seemed directly to conflict with the principles laid down and our pledges. Sir S. Hoare's speech, although it tried to hold the balance even, was actually directed at Mr. Churchill and his friend Major Attlee said that in the White Paper the whole idea of Dominion Status had gone as also the idea of progressive advance towards self-government. There was no suggestion that the powers of the Governor-General and the Secretary of State would lapse.

There was no provision for a change in the Centre machinery or the lapsing of financial safeguards and for Indians controlling their own defence. The White Paper did not indicate that the safeguards were transitory.

Major Attlee complained also of the extremely vague time for the Central Constitution to come into force and said that never had he seen so many obstacles put in the way of reforms. The date of conditions for the inauguration of the Federation must be clarified.

He proceeded to criticise the proposals on the grounds of introducing dyarchy at the Centre which would inevitably lead to blurring responsibility throughout. Dyarchy was a lesson in irresponsibility. It was a terrible thing to establish it at the Centre after it had already been so discredited in the Provinces.

Major Attlee criticised the qualifications for the Council of State which would be a pillar of vested interests and of extreme reaction. He also criticised the constitution of the Lower House in the Centre on the ground that there would be no proper contact between the electors and the elected in the constituencies with a million people. He said that the proposals in regard to the representation of women and labour were reactionary.

The position in the Provinces was better, but reserve powers should only be used in an emergency since responsibility must imply the power to make mistakes.

Major Attlee regretted that the Provincial Franchise was not wider especially in relation to women. He deplored the establishment of second chambers in most landlord-ridden provinces and the special representation of landlords.

Everyone in India believed in strong Government, but that meant Government with the consent of the governed. The only basis for an interim constitution was complete agreement with the politically-minded people with whom we would have to work. The Labourites demanded self-government on grounds of the economic and social conditions of the masses and wanted to free the forces of young India from social reform. The White Paper would not accomplish that. There was no central responsibility and no suggestion of progress towards full responsibility or relaxation of the control of the Commons and the Secretary of State. There was no approach to Dominion Status, while every vested interest was protected as a result of which the banker would reign in Delhi as in London and the landlord would rule the Council of State as in the Lords. The Government had sacrificed good-will and co-operation and sacrificed everything to timidity, over-fear and over-insistence on safeguards. In essentials which called for Indian co-operation, the scheme failed.

Major Attlee concluded stating that the Labourites would serve on the Select Committee but would be unable to accept the White Paper as the solution. They would work as far as possible to see that those who spoke for India would come and put their case before the Select Committee.

#### The Liberals' View

*Sir Herbert Samuel* opined that if Major Attlee's colleagues were called upon to deal with the problem of Indian Government, their proposals would closely approximate to those approved by the Round Table Conference and embodied in the White

Paper. Every section of the House would have its own criticism, but it was the duty of the House to show that the solid mass of British opinion supported the proposals in the main.

Sir H. Samuel paid a tribute to the sincerity, pertinacity and courage with which Sir S. Hoare faced the difficulties confronting the problem. He said it would be a profound error to re-open the whole matter as desired by Mr. Churchill. Sir H. Samuel acknowledged also the assistance given by the delegates to the Round Table Conference who had come great distances and devoted a long time to share in the deliberations. He said the least we could do was to ask the representatives of India to be associated with the Select Committee. The constitution did not allow us to go further.

Proceeding to criticise Mr. Churchill's attitude, Sir H. Samuel said that Indians would never believe our word again if we did not do our utmost to promote self-government. The Government of India could not be carried on without a very large measure of India co-operation. Success was not certain for these proposals, but failure was certain for Mr. Churchill's alternative.

*Mr. Churchill* intervened and asked : "What is my alternative ?"

*Sir H. Samuel* replied : "Mr. Churchill has made so many speeches that most of us know what a poor thing his alternative is."

Sir H. Samuel likened the present position in relation to India to that existing in Ireland in 1886 when self-government was first proposed and said if that opportunity had been taken the latter difficulties would have been avoided.

Similarly, if the present opportunity was missed, we might, in a few years, be in a far more difficult position in regard to India. The delay was already too long. Sir H. Samuel admitted the difficulties caused by India's huge population and many social customs, but happily there were numerous educated and experienced men of the world in India and if the number was not larger, it might be due to the fact that the rulers were foreign and native genius was stunted, while a large measure of self-government could open the door to social reform.

Dealing with the need for safe-guards, Sir H. Samuel said it was Britain's duty to see the transition to a fuller measure of self-government made with dignity and order. He reminded Indians that it was truest patriotism to recognise that any government even, if partly foreign, was better than anarchy if purely native.

Sir H. Samuel opined that the White Paper would bring Dominion Status very close and said if there was any error, it was on the side of the very assurance against possible dangers. He hoped that the Committee would not recommend increased safeguards or cut down the liberty which had been granted. "We wish it well and will support Government in their efforts. We regard this measure not as a surrender of Britain's task in India, but rather its consummation and crown."

#### The Die-hard Attack

*Sir Reginald Craddock* implored Government to take heed before committing themselves to a policy which not merely surrendered British interests and obligations but might prove a great betrayal of a sacred trust. He said it was a rash thing to suggest democracy for a country with so many warring races and hostile interests. The White Paper which was to have been India's political Bible had been relegated at least momentarily to the status of Apocrypha. It was riddled with safeguards, but they had not always worked and those who knew India well knew the assaults to which they would be open.

Sir R. Craddock said it was untrue that all classes in India demanded this scheme. It was true that many still said what they did not mean because they were poor and knew it was Government's policy. He described as a very specious argument that responsibility was the only cure for irresponsibility. What really mattered was whether the people really had the sense of responsibility.

Sir R. Craddock urged the adoption of the Simon Commission's recommendations with regard to provincial autonomy and for law and order the revival of the Commission's proposals of official ministers. He said that the Federal scheme was still a thing of the future which must be considered on its merits.

#### The Women's Demand

*Miss Mary Pickford* said that the return to the Simon Commission's proposals would be a return to a position which no longer existed and proceeded to discuss the work of the Franchise Committee. She regretted the rejection of the proposed



literary qualification for women which however was only a substantial proposal of the Committee, which the White Paper did not adopt.

Miss Pickford thought that the improvement in the situation since the three Round Table Committees visited India was proved by the success of the dual policy of the maintenance of law and order and the continuance of constitutional advance. She said if Parliament now did not consent to the policy of Central Responsibility and the transfer of law and order in the Provinces, Indian political suspicion would have some foundation. Moderate opinion in India was at present prepared to co-operate and even a section of the Congress realised that it was better to abandon Civil Disobedience and co-operate in the reforms which, if Parliament now decided not only would civil disobedience be resumed but also all the more the Moderate element would be thrown into the hands of the Congress. It was the height of political courage not cowardly yielding to popular clamour to grant what measure of self-government was possible to those who had genuine national aspirations.

### Back-benchers Speak Out

*Mr. Hales* did not think that India would adapt itself to Western democracy and said that no system of Government would be satisfactory unless it had the goodwill of the Congress. *Mr. Gandhi* still possessed the confidence of the great mass of Indians. *Mr. Hales* thought that a solution could be found by personal touch and suggested that the Prince of Wales, the Premier and *Mr. Baldwin* should visit India for that purpose.

*Mr. Molson* criticised some arguments put forward by the Conservative Right Wing and suggested that the Select Committee should consider the tightening up of the safeguards. With regard to the police, he criticised the lack of warmth of the reception of the White Paper in India and hoped that the Select Committee would result in framing a bill which would satisfy India's legitimate aspirations while affording effective and ample safeguards for all minorities and all interests. Dealing with the Labour amendment to be moved on March 29, which refers to the desirability of releasing *Mr. Gandhi* and other political prisoners, *Mr. Molson* thought that all would regret that when great changes were being introduced, *Mr. Gandhi* was in gaol, but he was not kept there by *Sir S. Hoare* or the Government. The doors were open if he would recognise that Government had broken the Civil Disobedience campaign and turn his mind to constructive work and call off Civil Disobedience whereby he would render great service to India.

*Sir Alfred Knox* argued that the Government's proposals had practically no support among officials and Europeans in India and there was no excuse for the landslide in the last three years. He said with regard to Indian consultation, it was very difficult to get honest opinion from any Indian witness. *Sir Alfred Knox* contended that Federation would lack stability and said that under the new constitution, a Viceroy would be needed who would kowtow to everyone and Governors who would do the same. The latter were denied the assistance of counsellors and would be so many Robinson Crusoes marooned without a single Friday. *Sir Alfred Knox* urged that the Governor should have a Deputy Governor and should be empowered to appoint one or two non-elected members of Government. He said the Police problem could be solved if the police were entrusted to an official so appointed.

*Sir Alfred Knox* calculated that in addition to numerous ministers, there would 3,629 politicians receiving allowances and enumerated other expensive system, concentration on teaching efficient agricultural work and social services. *Sir Alfred Knox* predicted that the reforms would certainly fail for which the Conservatives would bear the stigma. He expressed the determination of himself and his associates to oppose in every manner the abdication of authority in the Centre which was not in the interests of India and Britain. This so-called act of faith was wicked and dishonest gamble.

*Mr. Richard Law* warned that if the House gave the impression of going back on pledges, they would deprive themselves on Indians' belief in the good faith of the British which was the most powerful instrument of Government we possessed. He was in no way alarmed by the White paper. It did not embody an ideal policy but the best possible policy at the present time. He therefore hoped that Government would go ahead with courage and determination not overawed by the vocal opinions of a section of the Conservatives.

*Major Cadogan* referred to *Sir S. Hoare's* statement that there was a moral obligation and asked to which obligation it applied, to the Indian intelligentsia or

the vast millions of the people. Major Cadogan agreed with the necessity of obtaining Indian goodwill but questioned whether these proposals when operating would sustain the atmosphere of goodwill. A few years ago they were told that the refusal of the Congress people to co-operate with the Simon Commission had rendered its labours nugatory. They were now told that the Congress could safely be ignored. Silence was brooding over India. He was afraid that it was an exception to the rule that silence gave consent. Referring to the contention that Indians would accept any alternative, Major Cadogan said that we must make sure that they would accept the scheme now being offered. He was not suggesting an alternative at present but protested that it was absolutely fantastic to designate the Simon Commission's recommendations for provincial autonomy as a standstill policy. Major Cadogan referred to the anomalies in the White Paper and said that it demanded for Viceroy someone with the versatility and the resource of Mr. Churchill coupled with the temperament of Archangel Gabriel. He warned the House of the consequences of a breakdown in administration and said that he must be convinced that the scheme would ensure the continuance of sound administration and efficient personnel. It was essential to make clear that the safeguards would continue for some time. The British Government had the over-riding obligations of sacred trusteeship and would not dispense prematurely with safeguards. Speaking for himself and his colleagues he said they were content to allow the Select Committee to lend a hand in the elucidation of one of the most complex problems parliament was ever called on to solve.

*Major Milner* paid a tribute to Sir S. Hoare's straightforwardness and sincerity and said he had not found strong opposition to the proposals among Indian officials. Labour would fight for the advances contained in the White Paper which were just and right. Major Milner urged the release of Mr. Gandhi and other political prisoners not guilty of violence so that they might co-operate. He hoped that Indian Labour would be represented on the Select Committee. He invited the House to take courage in both hands and make the constitution a living proof, not of our desire to dominate over India, but to liberate her and make her a growing monument of our love of freedom for all.

*Lord Wolmer*, a member of the Defence of India Committee, did not believe that the safeguards would work without leading Britain and India into a most terrible difficulty and disaster. Lord Wolmer contended that Government were attempting something which was essentially incompatible and said that it was impossible to combine parliamentary Government with safeguards. The rights and responsibilities given to the Governor would bring him into conflict with the legislatures, while directly the Viceroy used a safeguard. Indian political opinion would be antagonised a thousand times more than had occurred hitherto. We were giving Indians the name and form of Self-Government but the moment there was a conflict with the Viceroy on a reserved subject, they would find responsibility had been filched away. Referring to the suggestion that the presence of the Princes would give stability, Lord Wolmer contended that any constitution built on the gamble that we would get them to shoulder the responsibilities and the unpopularity that we were unprepared to face was built on shifting sands. Lord Wolmer described the proposals as a most appalling gamble with the future of 350 millions of our fellow creatures and said he was unable to make himself responsible for them in their present form. The issue was so great that it transcended party loyalty and imposed an obligation on every member to come to the right and safe decision and act accordingly. The wise and proper course was to take the advice of the Simon Commission and make an experiment in one or two provinces, give them the fullest powers and responsibilities and then, at the end of ten years or other period, appoint another commission to see how the reforms had worked.

Lord Wolmer was speaking when the debate was automatically adjourned.

*2nd. DAY—HOUSE OF COMMONS—28th. MARCH 1933*

Resuming the debate to-day *Sir Robert Horne* described himself as a moderate of goodwill towards everyone who tried sincerely to find a solution of the great problem.

Sir Robert declared that hitherto he had suspended judgment but it was no longer possible for any member to remain quiescent and every member was about to be forced into a duty after the Select Committee had reported to record his vote. He must therefore have reason for voting. Sir R. Horne paid a tribute

to the unquestioned sincerity and patriotism of Sir S. Hoare who had as great a political flare as any man with whom he (Sir R. Horne) had worked in addition to the quality of a balanced mind and coolness of judgment which were the admiration of all his friends. The Conservative Party owed Sir S. Hoare a great debt of gratitude because he had demonstrated that it only required sufficient firmness and courage to make India an orderly State.

The truth was that no member of the House could escape the burden which had been planted on the shoulders of all. They were confronted with the greatest issue that had ever come before this or any other Parliament and it rested on their individual consciences to meet the issue squarely and honestly. He would assume that something in the shape of responsibility must be given to India and he also took into account that we were still to be the judge of the time, the degree and the opportunity. The Select Committee should keep these circumstances in view.

Safeguards were never more necessary than in the present circumstances. They were giving parliament and democracy to 350 millions at a time when many countries who tried it were despairingly turning from it. It required a meticulous examination of these propositions before we decided on its particular form. The only cement in India was British influence which must be weakened if the scheme was adopted.

Dealing with the safeguards, he said it would be far better to have no safeguards than ineffective safeguards. There was something to be said for granting a constitution which was carefully and efficiently safeguarded, but nothing to be said for granting a constitution with safeguards which irritated and were ineffective. Thus they got the worst of both the worlds.

He could well imagine a point when we might find it most difficult to the Government in power to take any action supporting the Viceroy. They must depend upon safeguards which operated long before that particular point was reached. With the greatest diffidence he approached the matter of law and order. Sir J. Simon knew more about the question than he could ever learn, but he (Sir R. Horne) was never able to understand the reason why the Simon Commission had reached the conclusion that law and order could be left to the Provinces. At the same time, it was quite obvious that the Simon Commission had some doubts in that regard because they provided for a minister for that purpose which had disappeared in the present plan.

It was quite possible to imagine giving large self-government to the Provinces without giving control of the Army and Police to the popularly elected body. The question of police was the lynchpin of the whole system of the Government of India. "I will rather give constitution at present proposed if you give me control of the police and have no responsible government at the centre with the control of the police in the Provinces." The establishment of the two new provinces would entail more expense. He hoped that the Select Committee would particularly consider the extra expense as taxation meant a great deal to the Indian people. He believed that 300 out of the 350 millions would prefer to continue as they were than have a government of their own with higher taxation.

All this theory of the people wanting to govern themselves even at a higher cost was entirely fallacious. The proposed Government would be much more expensive than the present. Before the Montagu-Chelmsford reforms, India was run cheaper than almost any other country in the world. These costs had greatly increased in recent years. He thought that the proposed representation of the Princes did not unduly exaggerate their importance. He referred to the lack of provision for weightage in either assembly to compensate for the Princes who were unrepresented. Sir Robert Horne described the safeguard of the introduction of the Princes as weakest. Referring to "the somewhat heated altercation," between the Viceroy and the Jam Sahib of Nawanagar, he declared that from personal knowledge, "Ranji's" devotion to India was only equalled by his loyalty to the Empire. Therefore, his attitude had caused him certain disquietude. He spoke in no carping spirit. His one desire was to reach a solution best for the welfare of India and Britain.

*Sir John Simon* emphasised the importance of every kind of view being ventilated at this stage. He would not give his adhesion to anything which, on full consideration, he believed was not in the interest of India. The gravest responsibility rested on Parliament, for they were pledged as clearly to-day as any country could be in point of honour to a policy to develop India on the road to responsible Government. The pace, the method and the condition were open for consideration, but we had given a tremendous pledge and were bound with discretion and judgment to do our best



to fulfil it. Sir John said that the Select Committee would have to make the most thorough and impartial examination of the White Paper scheme. The form of the Bill which would not finally be settled until the result of that examination had been completely ascertained. He intervened because he had the honour of presiding over the Statutory Commission. The whole subject was of the intensest importance and interest. Sir John Simon proceeded to discuss in detail the various parts of the Simon Report. He denied that there were two Indians and declared there was only one, namely, the Greater India including the States as well as the Provinces. More and more, the Indian problems were the problems of Greater India.

Sir John Simon recalled that the Statutory Commission was concerned with a problem within British India. It was perfectly plain that the Act of Parliament under which they were appointed by its preamble deliberately conceived that they were pledged to the pursuit of the Montagu Policy. If ever there was a deliberate decision countersigned by the people of every part of the country and both Houses of Parliament, it was that embodied in the Preamble to the Government of India Act. Therefore, the Statutory Commission began its task upon the assumption that the Montagu Policy represented the accepted policy and the only proposals worthy of consideration were the proposals conceived in the spirit of the announcement of 20th August 1917. Sir John continued that the Simon Commission had concluded that it was not a wise development of a Constitution for British India to seek to establish at the Centre a Government of a responsible kind. Sir John Simon quoted the letter of the then Prime Minister relating to the future relations between British India and the States and added that it depended entirely on whether certain conditions could be fulfilled by the Princes. If it were true that we had now an opportunity to develop a Greater India, were the opportunities to be rejected because of the conditions which the Princes had clearly indicated or were we to face the risk which might be involved in so tremendous an experiment? He himself wanted to see the prospect of Greater India much more thoroughly investigated, including the question of the Princes, before rejecting the scheme.

He was not prepared to depart from deliberate views of the Simon Report without good reasons. A new fact had emerged, namely, the declaration of the Chancellor of the Chamber of Princes on 19th January to the effect that Federation was the true future of India, that the main principle was accepted and a larger proportion of the States would enter the Federation. The declaration and its implications were events of the greatest importance. If they were not fulfilled, he said, with the greatest firmness and without any qualification whatever (he understood it to be the Government's and Sir Samuel Hoare's policy), it was not proposed in the White Paper that there should be development of self-government at the Centre. The only condition on which we could hope to develop responsible government at the Centre was to develop this Greater India. If that were done, that amalgamation might well have within it the seeds of satisfactory progress. He begged the House before rejecting that to think twice of the result in India if we promoted a division between the Princes and British India for which we had a special responsibility. Sir John Simon recalled Mr. MacDonald's reference in Geneva in connection with disarmament to the risk that doubtless existed in every attempt to arrange for disarmament against what was likely to happen if one did nothing. We had to do something of the same sort here.

Sir John Simon discussed at length the question submitted to him by Sir Samuel Hoare concerning the transfer of police and law and order in the Provinces. Sir John Simon recalled that the police in India were a provincial service. At one time, he was attracted by the idea of centralising the police, but was convinced that it was a wholly impracticable idea. India was too big and if one had an organisation at the Centre, one would require a separate department for each province, reverting to the same position as before. The superior officers were recruited on an All-India basis and the Secretary of State would continue to have responsibility towards them. There was nothing in the Government's proposal suggesting that it would be changed.

Explaining the reasons for not making the police a reserved subject, Sir John Simon said that Provincial legislators felt no responsibility for the police and frequently attacked it, sometimes in the highest degree, unnecessarily and unjustly refusing to vote the necessary funds. The result was that unless the system was changed, the police tended to be regarded as an agent of the alien bureaucracy. This was most unfair because the police did very essential work sometimes unpopu-

lar and dangerous without which the districts would fall into utter anarchy. The more you put the police in a special position the more you encouraged this attitude towards them.

The Simon Commission unanimously came to the conclusion that the Provincial Governments should be made responsible for the police. Holding firmly the conviction that the British race had contributed great and good things to the orderly development of India, he asked the House to consider whether there was not a contribution of all. The reason why Indian politicians were so obsessed with the idea of Parliamentary institutions was because we had told them this was the way of ordinary freedom.

Concluding, Sir John Simon asked Parliament to ponder whether they ought not now to show themselves willing to discuss openly this evolution of Indian Government with good sense and courage and at the same time realise that the road we had been set by the declaration of Parliament and the policy of country was the road which should lead by such stages and modes as seemed fair and just to the realisation of Indian self-Government.

*Col. Wedgwood* denounced the scheme as a cowardly abdication by Parliament which in the future would be unable to ask questions on such matters as the Meerut sentences, the hours of labour, work in the mines and the use of troops in dealing with peasants in Indian States. He disliked abdication in any circumstances, but especially abdication in favour of a power which would be worse than the power exercised by the House. They were giving India a constitution so conservative that could never be changed. They were giving power into the hands of a narrow class of Princes who were absolute in their own area and elected members who would be millionaires or nominees of millionaire Parties. Mr. Wedgwood described the seats for the depressed classes as a device to solve the conscience of the Secretary of State and said that the people of India did not want the scheme. Mr. Gandhi did not ask for it. It was Indian politicians who were asking and who would benefit by it, not self-government, but Venetian oligarchy. Col. Wedgwood declared of course the Princes would enter the Federation. They had sacrificed nothing and gained power to dictate to the Government of India which would be powerless to take up the ordinary English standard of administration. In the Federation, we were handing over power to people we were unable to trust. He indicated that he saw only hope in the Provincial electorates which might reduce the power of Indian politician in the All-India Assembly.

### *3rd. DAY—HOUSE OF COMMONS—29th. MARCH 1933*

*Mr. R. A. Butler* began to wind up the general discussion at 3-20 p. m. prior to the moving of the official Labour amendment.

After observing that they were dealing with one of the most complicated pieces of constitutional machinery that Britain had ever invented, Mr. Butler said that they proposed to send the proposals to a Select Committee in order that they might be closely examined so that they could hand over the machine to the Indian people in the best condition.

Mr. Tom Williams had asked whether any substantial changes could be made by the Committee or only adjustments of details. Mr. Butler referred him to the terms of the resolution which indicated that the Committee would be appointed to consider the future Government of India particularly to examine and report on the proposals of the White Paper. They also had heard from the Labour benches that the proposals had no clause which implied that the safe-guards were only for a transitional period. Mr. Butler said that it was their intention that any amendment of an Act of Parliament should be by a further Act of Parliament except in so far as any amendment of the constitution could be effected by an amendment of the Instrument of Instruction and the Instrument, if amended, must be submitted to both the Houses. The fact was that Parliament would be responsible for any alterations in the scheme. This was the wiser and better course.

Dealing with the recruitment for the services, Mr. Butler said the decision that the matter should be opened for consideration after five years in no way prejudice the issue of future recruitment to the services. Thus the ultimate authority remained in the hands of Parliament. A further criticism had been advanced that they should secure the assent of Indians. They had taken every opportunity of consulting Indians and adapting their procedure in order to have the advantage of the

advice of Indian statesmen. As regards Labour objections to the financial and economic arrangements, he observed that these found a place in the report of the Financial Safeguards Committee of the Round Table Conference.

They could not contemplate establishing new governments unless they were endowed with adequate resources. He recalled Mr. Benn's statement of 12th March 1931 that the safeguards mentioned by the Federal Structure Committee were essential and could not be abated if the new constitution was successfully established. It was unnecessary to discuss in detail the exact nature and extent of the financial safeguards. It was sufficient to say that the objective was to maintain the credit and stability of the Federation. It was their confident hope that future Indian ministers would zealously protect the credit of the Federation and that the Indian Government would recognise it as their vital interest.

Dealing with criticisms of the proposed representation in the legislatures, particularly franchise, Mr. Butler said that the Franchise Committee inquired closely into the possibility of using panchayats as the basis of indirect election but came to the view that they were an unsuitable basis. The rival merits of direct and indirect election constituted one of the most valuable points for the consideration of the Select Committee. The Franchise Committee had been convinced that direct election was better. Dealing with the complaint of neglect of the interest of the agriculturists, Mr. Butler claimed that the lack of balance had been readjusted and it might confidently be said that franchise was based on equal distribution between the ryot who formed the backbone of the proposals and the urban interests who formally dominated the franchise. Dealing with the criticisms of women's franchise Mr. Butler pointed out that the number of women voters had enormously increased.

He paid a tribute to the manner in which transferred department had been conducted by Indian ministers in the last fourteen years, specially referring to the Mundi Hydro-Electric Works and also the Sukkur Barrage. He hoped these schemes all over India with the collaboration of the two races would be a happy augury for the future. He recalled the resolution of the Chamber of Princes in favour of continuous discussions through accredited representatives with a view to securing the stability and the smooth working of the constitution. The scheme combined in a practical manner the two ideals of British Imperial policy, namely, responsibility for the welfare of the people and the idea of evolution of self-government towards ultimate political responsibility.

### The Labour Amendment

*Mr. Morgan Jones* moved the Opposition amendment.

The amendment called attention to the failure of the Government to implement the numerous promises to grant Dominion Status within the Empire, the failure of Government to secure the co-operation of the leading political organisations in India whose co-operation is essential in any scheme of reform and also the refusal to release the prisoners in order that the latter might be done.

He said that the Labour Party were extremely anxious that the House should understand that having joined the Select Committee, they did not wish at some future time to be made responsible for this or other decision of Government. They entered the Joint Committee with Monday's declaration and to-day's amendment clearly in mind.

It followed that Labour representatives entering the Select Committee, would do so entirely unpledged and uncommitted. Their hands were entirely free with one limitation, namely, that Labour representatives would participate in the work of the Committee with every possible desire to assist in the work but would clearly keep in mind not only the repeated declarations of successive Governments so that the ultimate result would be as close an approximation as possible to deal (the view?) they had held for many years. Their main concern would be the well-being of India's peoples. Indeed, that point had been conceded by implication in the fact that Indians would be invited to London.

It was no good suggesting that they had a favourable atmosphere in India for discussion until all people representing all shades of opinion were free to discuss among themselves. There were thousands of people in goal, including a large number of those belonging to the most influential body of organised opinion besides its leaders. They had been frequently told that the Government's attitude was that before there could be any question of release, there must be a declaration of the



abandonment of the policy of non-co-operation. How did Sir S. Hoare propose to put that to the test? He pointed out that the Calcutta Congress session had been banned and he suggested that the only way that Sir S. Hoare could expect such a decision as the abandonment of non-cooperation was to allow the meeting to be held.

Mr. Morgan Jones recalled Sir T. B. Saprú's words at the Round Table Conference that there was no chance of the proposals getting even consideration without Mr. Gandhi and his colleagues being free to discuss these matters in consultation with their political friends. He thought that the atmosphere in which the proposals were discussed should be as free from bitterness and prejudice as possible. The Commons through their Ministers were overwhelmingly pledged to the proposition that the Indian people should possess Dominion Status. He subscribed entirely to the Labour criticisms, especially those relating to safeguards, and disapproved of the efforts to prevent Extremists from reaching power. There was no case for pretending to erect a legislature and then saying that it was so carefully safeguarded as Extremists could ever hope for power. If they barred the way of the so-called Extremists, the legislatures were in danger of becoming a sham and a fake (Labour cheers and Ministerialists' interruptions). The provisions by which the Governor-General could forbid the introduction of Bills, etc., made the whole thing a sham.

Mr. Morgan Jones said he would be the last to deny that we had most intimate interests in India, but in view of the enormous powers of Governors, was not some safeguard necessary for the Indian people?

#### **Tory Revolters' Case**

*Mr. Churchill* said that we were confronted by proposals which marked a definite decline, even the disappearance, of our authority in India, proposals which proclaimed our disinteresting ourselves in the welfare of the people and a readiness to hand over after 180 years, Indian fortunes to Indian hands—a curse fraught with memorable consequence to the people of Britain and India.

The Montagu-Chelmsford Reforms had failed. Instead of increasing contentment they had aroused agitation and increased disloyalty. The reforms had not even contented the classes for whose satisfaction they were originally conceived. No doubt, a lot of good work had been done but the failure of the reforms was the first point to be considered.

Emphasising the heavy responsibility resting on Parliament at the present time and "the great vote in favour of the greatness of Britain given in the last election", Mr. Churchill warned the House lest, in the words of Morley, it should in future hear "the dull roar and scream of carnage and confusion coming back to us" from India because in that case bitter would be the feelings of responsibility of those concerned in bringing about a situation of such frightful disaster.

Mr. Churchill argued that Parliament was not pledged to the measures proposed. He criticised "the undermining perorations" of the R. T. C. which had led Indians to expect early control of the Government of India.

The decision of the Government of India to enforce law without fear or favour had been instantly accepted throughout India by the overwhelming mass of the people. Order had been largely restored throughout India, the Civil Disobedience movement had been broken and Mr. Gandhi on whom Mr. Macdonald and Lord Irwin lavished caresses had been in prison, for over a year, (he was very sorry for it for many reasons) with a large but a happily diminishing number of his followers. Hardly anyone had been killed or severely hurt and not a single British battalion had been required. In the Frontier, there had been the fewest clashes between the police and rioters. There was no doubt of our ability to govern India justly and wisely in our own way and entrust to able educated Indians through whom the Government of India could be conducted over a broadening share of responsibility when he thought fit. The Simon Report might well provide the basis of Parliamentary discussion. We should do all in our power to help Indians to an increasing hand in their own Government, but on the basis of delegated powers so that our control could be resumed without serious disturbance if the delegated powers were found to work injuriously on the people of India. Even if that policy failed in the least, it would be local not general and the Central Government must remain intact and secure.

The duty of Parliament was to give India what we considered right and wise, not to give what was wrong and unwise in order to satisfy some not very representative Indian group. The Government's motion was adroitly framed with a view to dodging a division and nobody could vote against it. It was the duty of the House to give Government all possible support in repulsing the Labour amendment.

Mr. Churchill stated that for the last five years high positions in India had been so arranged with a view to securing men who welcomed these proposals.

*Sir J. S. Wardlaw Milne* interrupted and asked if Mr. Churchill had any proof of this.

*Mr. Churchill* said he was replying to the statement of *Sir S. Hoare*'s that high officials in India favoured the White Paper.

He thought it was fair to say that during the last five years, those who had been promoted to prominent positions had been people who were supposed to be modern men and would act in the spirit of the Montagu-Chelmsford Reforms.

*Sir S. Hoare* rose amid cheers and said there was no justification for that statement. (Cries of "Withdraw").

*Mr. Churchill* said that he would never withdraw a statement which was certainly framed upon truth. Mr. Churchill proceeded to deal with the other points and the incident was closed.

Giving a detailed critical analysis of the White Paper, Mr. Churchill examined the working of the Government under the scheme. He was amazed at the perverted ingenuity with which Government were arranging a struggle in India very similar to the struggle which convulsed England between the Crown and Parliament during the whole of the 17th century. Warfare in the Provinces would proceed simultaneously with graver disturbances at the summit. Nobody here or in India accepted the scheme as a national policy. The Congress denounced it in unmeasured terms and Indian Liberals would only use it as a tool to extort other things. Government had great doubt whether they could cajole, persuade or coerce half of the Princes to come in. The official Opposition would only take the scheme as a starting point for further departures and it was easy to remove the safeguards. If this Government left office, it would have parted with all powers to stay the process.

Concluding, Mr. Churchill said that Parliament should promise to give what it could freely and boldly and no more. It was a tragedy that the greatest gift Britain had given to India was not a gift which India needed most. During the last 50 years, its population had increased by a hundred millions by reason of the prevention of wars and famine and the control of infanticide and it would have been far better if the exertions of our devoted men and women could have resulted, not in the mere multiplication of teeming humanity on the lowest levels of subsistence, but in the substantial raising of the standard of life and labour and in smaller number.

*Earl Winterton*, when he began with the statement that the task of answering Mr. Churchill would be less difficult than he thought, was loudly cheered by Ministerialists showing, as was evident throughout Mr. Churchill's speech, that the majority of the House did not sympathise with Mr. Churchill.

*Earl Winterton* declared that Mr. Churchill's views were wrong from the beginning to the end and pointed out with reference to Mr. Churchill's declaration that the Reforms had failed, that India was the only Asiatic country which was free from serious disturbances. Its credit was as high as any continental country's and its budget compared to any country in the world. Vicissitudes of Parliamentary Government in Britain necessitated devising a permanent system of Government for India which subsequent Governments, whether Right or Left, would be unlikely to abolish and the sooner this was done the better, for nothing could be worse for Britain and British Trade than a long interval.

*Earl Winterton* stressed the impossibility of compelling India to buy British goods. He said that Lancashire depended on the willing buyer in India or anywhere else unless the people were favourably disposed to the Government of Britain.

*Earl Winterton* referred to Mr. Churchill's part in the constitution-making of South Africa and Ireland and expressed his belief in an interdependent and self-dependent Empire in a strategic and economic sense with as many units as possible and said that Indian fellow subjects should not receive a different treatment from the dominion's subjects. *Earl Winterton* did not believe that the Simon Commission proposals would give greater stability of security than the Government's. He said that Moslems and other anti-Congress parties in India realised that provincial autonomy with an unchanged Central Government would entail continual friction and would give far less security than federation.

*Earl Winterton* declared that European businessmen in India knew better what was good for India than some of Mr. Churchill's vociferous supporters and said that the White Paper proposals represented the best scheme in the circumstances.

It was not a cast iron but a scheme to be considered best by men of both the Houses. It would not sabotage the long and honourable connection of Britain with India, but would re-ballest and relay the great trunk line which always joined the interest and the welfare of the two peoples. He appealed to Mr. Churchill not to refuse to aid in the work of reconciliation and to participate in the Select Committee.

#### Independent Labourites' Opposition

*Mr. Maxton* announced that Independent Labourites proposed to vote against the Government's motion, but would not support the Labourites' amendment. He said that the discussion hitherto centred on how much England was to interfere in the affairs of India and nobody suggested that she should not interfere at all, whereas he and his friends maintained that England had no right in India. The only decent thing England could do would be to withdraw. *Mr. Maxton* declared that if there was one country where advance was less than it was 150 years ago, it was India and we should leave India to work out her own salvation. The opponents might describe it as a cut and run policy, suggesting cowardice and the shrinking of responsibility. He described it as giving human beings to whom the resources of the civilised world were open the responsibility of living their own lives and conducting their own affairs.

*Mr. Maxton* wanted to see the people of India free and independent and wanted to see them wipe out the rule of the Princes, money-lenders and millionaires and have a higher level of comfort and freedom. He wanted to help them in every way but the fight must be a fight of common people of India. They must banish the idea that getting the right to govern would be to remove the major problems of poverty and exploitation. They would still have to fight economic exploitation which was their real evil. He thought that the proposal to establish a Select Committee would mean another five or six years' delay and said that the movement represented by the Meerut prisoners by which people would be able to overthrow, not merely British rule but the rule of all exploiters, whether British or Indian. These men now jailed, the movement was temporarily stilled, but while the Select Committee was proceeding discussing the details and trying to make the scheme more perfect, the movement would grow in strength and after the Committee had reported, the legislation would be ready and *Mr. Maxton* hoped that it would not be required by the Indian people.

#### Tory Backbenchers' Views

*Sir Robert Hamilton* welcomed the Select Committee as definitely marking a stage of the journey and said whether the pace was too slow or too fast, risks must be taken. Advances in the provinces and centre must be simultaneous. It would reassure Indian opinion, if authoritatively stated, that Indians would be invited to consult with the Members of Parliament and have joint responsibilities in helping to establish a constitution though technically the responsibility must rest on Parliament.

*Sir Walter Smiles* described the queues unemployed in Lancashire as a direct result of the Montford reforms. He hoped that Assam would receive fairplay and asked if Government were to treat their friends more shabbily than they treated Bengal, "the most disloyal province in India." He emphasised the necessity of financial independence in the Provinces before the success of the federation was certain. He believed that Dominion Status within the empire would be India's ultimate goal, but it would not be achieved. Yet he added he noticed "Mr. Patel taking a postgraduate course in politics in Ireland, but he wished he was taking it in Northern Ireland instead of the Southern."

*Mr. E. T. Campbell*, after outlining the views of the European Association, hoped that Government would receive the help of sections in producing a first class measure which would be acceptable to reasonable people of India. He said that the greater the unanimity achieved in Britain, the greater would be the chance of success.

*The Duchess of Atholl* hoped that the members of the Select Committee would not only feel that they were absolutely free from Parliamentary pledges except those contained in the 1919 Act but feel that it was possible to consider what was best for the masses. She was convinced that the prestige of the Government of India sufficed to make it unnecessary, through panic and loss of confidence, to give the measures which they did not consider at present to be in the interest of the people of India.



Brigadier-General *Sir Henry Page-Croft* regretted the "carefully prepared attack" on Mr. Churchill and regretted also that Earl Winterton, formerly a stout constitutionalist, had been led into the paths of democratic futility. General Sir H. Page-Croft approved the Government's procedure especially the fact that nobody was bound by White Paper. He urged in the interest of Indians that the police and law and order should be kept under British control and contended that the Select Committee could not be impartial with regard to central responsibility which was Government's policy and the Committee would be largely composed of Government supporters. Sir H. Page-Croft said that opponents to the Government's policy believed that they represented the majority of the people in Britain. In any way, the House was not entitled to part with British territories without an emphatic expression of opinion of the people of Britain.

Sir Henry Page-Croft contended that in view of the hostile attitude of the only existing political force, it was impossible to expect good will which was essential for the working of the safe-guards. He said that if Britain left India, Soviet Russia would almost inevitably cross the frontier. He implored Government not to pursue the policy if it wished to avoid terrible disaster.

*Mr. Lansbury* began with a tribute to Sir Henry Page-Croft's passionate sincerity although he took an altogether opposite line from him. He thought that Sir H. Page-Croft had made a profound mistake in forgetting that statesmen in this country of all parties had over a long period of years declared repeatedly that the end of British rule in India ought to be the rule in India by Indians. He said that he was unable to understand when he recollected the speeches made in that connection when he first became a member of the House as to why this proposal aroused opposition. He quoted a speech by Henry Fawcett in the first debate he had ever heard in the House to the effect that ultimately British association with the people of India would end in the Indian people establishing a self-governing state. Both Sir H. Page-Croft and Mr. Churchill seemed to forget that it was true of Queen Victoria in 1858 that the very inception of the Imperial relationship with India had always been made on the assumption that sooner or later India would govern herself. Mr. Lansbury paid a tribute to Sir S. Hoare and Mr. Butler but declared that he was unable to accept the joint statement that peace reigned in India. Mr. Lansbury did not think that when they suppressed people, wiped out free speech and right of public meetings and denied contacts between very large sections of people, they could call it peace. To-day they were imprisoning men who, if they were called in conference, might even now help to find a solution. He was confident that whatever might pass in this country or India, unless they had the consent of the great mass of organised opinion in India they would be unable to administer whatever laws they were pleased to pass.

The Labour Government tried to bring together the various elements in India as a sequel to the appointment of a Statutory Commission which had already been in existence, but it was well-known at the time that the condition of India was very bad. He paid a tribute to the two men who dealt with the most terrible situation not only in a statesmanlike but in a most sympathetic manner, namely, Lord Irwin and Mr. Wedgwood Benn. He thought Conservatives would agree that these men faced a situation which had already become dangerous. It was true they had been obliged to pass ordinances to suppress free speech and imprison thousands, but all the time they kept steadily in their mind that they must convince the Congress leaders that they were in earnest in asking their help for the Simon Commission. The underlying note of their policy when they decided to hold the Round Table Conference was that we should have continuous co-operation with the Indian people and continue discussions until they arrived at a conclusion satisfactory of India and ourselves.

Mr. Lansbury regretted that when the National Government took the business in hand, the Round Table Conference was wound up. Mr. Gandhi went home and a conference of that description was never summoned again. Mr. Gandhi had been in prison nearly 16 months. We had a very truncated Round Table Conference with no complete Indian representation and we had the White Paper. They were all conscious that this was the most serious question. Parliament had discussed for a long time. The Labour Party understood that the White Paper or some proposition must pass in order at last to attempt to bring about a settlement and restore confidence between Indians and their British rulers.

"It is the young Nehru and his friends whom you have to enlist in this campaign", declared Mr. Lansbury who said that without the help of Young India, it did not matter what laws were passed and the proposals would fail.

He proceeded to discuss the result of British rule in India declaring that India was naturally a very wealthy country, but none was able to deny the appalling statement on the conditions made by Miss Rathbone when one heard of the blessings we had brought to India. We must set against it that terrible indictment. We said we were the chosen people to rule India. As the world progressed, fewer people would accept that doctrine, certainly not the Indian people.

Indians did not believe that we had given them unmixed blessings although they knew individual Englishmen and Englishwomen had given tremendous services. When he heard of the appalling labour conditions in India and was told that mills and mines were run by Indians he asked who took capitalism to India, starting India on road to producing these evils. Capitalism was one of the curses we had given to the Eastern people. When he heard about competition in the East between Japan, China, and India, he recalled how the machinery for the mills had been exported from Britain to compete with Lancashire and Yorkshire in Eastern markets. We could not blame the Japanese and the Indians but the system that believed in making money anywhere under any conditions.

As regards the attitude of the Labour Party to the Select Committee, Mr. Lansbury said that if our motion was defeated as very probably it would be, he would most certainly prefer that no Committee was set up for the reason that we did not think there was any use trying to carry business through without Congress being represented. "We think you will waste the time of Parliament and the Committee and also our time in trying to do the impossible. What I would personally like to see done even now would be to adopt what I believe we adopted with Australia, namely, to say to Indians: 'You yourself, the Princes and Commoners, should frame a constitution and tell us what you want'. Surely we should not want Indians to frame a constitution for us. They know better than anyone else how to manage one another."

No one would dream of allowing a foreign power to put forward a constitution for us. Why should not we say that Indians themselves should do it. He remembered it was said to him at the Round Table Conference. "These wretched Indians do not know what they want". But it was never put to them that way. He reiterated the Labour policy which Mr. MacDonald and himself helped to formulate, namely, that since the commencement of the British control of India, successive British Governments had given pledges to the peoples of that country and the Labour Party desired to see these pledges were honoured. It was the point which divided Labour and Conservatives and in the White Paper they reaffirmed the right of Indians to full self-government and self-determination.

Mr. Lansbury referred to the declaration at the Blackpool Conference in 1927, namely, that the policy of the British Government was that there should be one continuous co-operation with Indians with the object of establishing India as an equal partner with other members of the British Commonwealth. Mr. Lansbury proceeded to quote Mr. Bonar Law's definition of the meaning of "home rule", namely, that if the self-governing dominion of Australia and Canada chose to say that they would no longer be part of the British Empire, we would not try to force them. The Dominion Home Rule meant the right to decide for themselves. Mr. Lansbury said that the Labour Party took its stand on the definition that Indians themselves must decide whether they would enter this Federation.

He urged Mr. Baldwin to make it crystal clear what the White Paper proposals meant. In the new Federal State, would Indians have the same status, rights and duties as other members of the British commonwealth.

Concluding, Mr. Lansbury said he believed Imperialism had had its day because it had utterly failed. He did not believe that the country or the masses had gained anything by Imperialism. He believed that the white races would have to change their attitude of mind towards those whom they called subject races. If they believed they were stronger and cleverer, then, the only thing they should do with their talents and brains was to be of greater service to the community and not be its masters and dominators.

Mr. Baldwin began by expressing sympathy with Mr. Lansbury in his recent bereavement and referred to his courage in coming to address the House. (Mr. Lansbury appeared to be very much moved at this.) Mr. Baldwin said they

were approaching the end of a momentous debate conducted admirably from every point of view. He contrasted this with the debate on the Government of India Bill of 1919 which passed the second reading on one day with a sparse attendance. He said he would devote himself to giving the House secondarily and his own Party primarily the reasons which induced him in 1929 to take the line of action which he adhered now.

He would show Lord Wolmer that he had been actuated by realism and that the sentimentalism of which Lord Wolmer spoke was with Mr. Baldwin's opponents. Mr. Baldwin said great as was his friendship and admiration for Lord Irwin, it was not friendship which made him take his view because he never took his political view from friendship. He asked himself what was the right course to preserve. One of the first principles of the primrose League was the maintenance of the Empire and they decided after mature reflection that if he went forward, they might save India for the Empire, but otherwise they might lose her. It was that belief that actuated him. Mr. Baldwin did not take exception to the line that many friends took and respected their sincerity though he thought they were wrong. But there would be no bad blood between them.

He did not believe that the salvation of man lay in the ballot box. He never paid lip service to democracy, but it was necessary for a public man to work in the environment in which he found himself. Our environment was democratic. It was not necessarily perfect, but we had got to work it. We were living in the twentieth century though many of his friends would never realise it. During and since the War, we had passed three generations of evolution for which reason many people were unable to reconcile themselves to the age in which they lived. The post-war world was full of pre-war minds. Mr. Baldwin said that one of Mr. Churchill's greatest mistakes was that he did not remain with the Tories when they went into the wilderness. Therefore Mr. Churchill was unable to understand what passed in their minds during those years or the point to which they had moved.

He pointed out that India's democratic ideas all came from Britain. Rightly or wrongly we had given a liberal English education to the Eastern people and were now reaping what was shown a hundred years ago. The whole of India's political education had been, broadly speaking, in English political liberalism. We taught the democratic idea and the idea of unity which did not exist when we went to India. Indians were now asking for the responsibility which we had repeatedly said was their goal. Mr. Baldwin recalled the case of Ireland and said when the settlement was reached in 1921, he supported it not because he liked it, but because he believed that it was the only thing that could be done. He warned the House against allowing India similarly to be introduced into Britain's domestic politics and said that the result would be chaos and the position would end in the same way as Ireland. He was not going to be too late this time. Mr. Baldwin recalled that Britain went to India primarily for trade but was drawn into fighting because trade was interfered with. He said that after the Mutiny, some of Britain's greatest administrators had been to India. But they did not visualise the British Raj, but India which would be ultimately taught to stand on her own feet.

Mr. Baldwin referred to his sentimental recollections of the countryside England in his childhood saying that it had gone for ever. In the same way, the period of maternal Government in India had gone. It went nearly twenty years ago and could not return. It was useless looking back to it and thinking of what they had thrown away. Evolution had swept away the past and we were now in a period when gradually more and more responsibility was being placed on Indians. There was sentimentalism with which he sympathised, but his head told him that it was not true of to-day. We wanted a policy of realism, not sentiment. Mr. Baldwin was glad to hear tributes paid from all quarters of the House to Sir S. Hoare and the Viceroy. Mr. Baldwin was perfectly convinced, as had been said in some quarters though he knew it was denied by others, that by no means on earth could they have got an improvement of the conditions in India, and the practical cessation of civil disobedience if the firm policy of the Viceroy and Sir S. Hoare had not been accompanied by progress in preparing constitutional reforms. A great mistake was sometimes made by those who held, what to him, were rather extreme views. Labourites would concede to what others called the extreme party in India all they wanted and believed that they really represented India. Similarly some friends who differed from him believed that outside the Congress the rest of India consisted of apathetic peasants and Princes. He did not think that it was a true conception,



It must be remembered that it was always the Extreme Party that first formed the organisation. There were other people in India and Indians in the services who were as moderate minded as ourselves, but, who were less vocal at present. It would be a profound disappointment to all who believed in reforms if those elements, with others, did not make their weight felt when responsibility was once thrown on Indian shoulders. The Joint Committee would be established almost immediately. Upon it would be laid one of the greatest responsibilities ever placed on a body representing the two Houses of Parliament. It was work which ought to be peculiarly appropriate to the Conservative Party—rational progressive reform. The Conservative was no Junker, no Fascist, but a man who believed in constitutional progress, wanted to serve his country and see the people contented and happy.

There were countless materials with which to build the edifice. Let the work be taken in hand in a spirit conscious of responsibility and determination to do the piece of work for this country, for India and for the Empire which might, through times of doubt and difficulty, cement the bonds between us and lead to real progress. He realised and felt the dangers and the difficulties of the course we were pursuing. He would not be speaking honestly if he did not say, that in his view, both dangers and difficulties were ahead, but, convinced as he was of this, he was still more profoundly convinced that the difficulties and dangers that would be run, if we did not take this step, would be infinitely greater, infinitely more difficult.

The House then divided. During the division on the Government's motion, the whole of the Labour Opposition went into the lobby with Maxtonites against Government. This was in accordance with Mr. Lansbury's statement that if they were unable to have their amendment, they would prefer to have no Committee, but this did not imply that the Opposition had changed its attitude to participating in the Joint Committee.

The Government motion to establish a Select Committee was carried by 449 votes to 43. The Labour Amendment was defeated by 479 votes to 43.

## Lords Debate on the White Paper

*1st. DAY—HOUSE OF LORDS—4th. APRIL 1933*

In the House of Lords, *Lord Sankey* moved a resolution concurring with the resolution adopted by the House of Commons on March 29.

Lord Sankey said that, whatever anybody might think about the Government of India Act of 1919 the claims of India for further recognition were irresistible. No Royal Commission had ever rendered greater services to the country than the Simon Commission. They had experienced difficulties and discouragements, but the debt to them had not been sufficiently recognised. Many of their suggestions were followed by the Round Table Conference, and where we had gone beyond them we only ventured where they too would have ventured under the changed circumstances.

The most frequent criticism of the Round Table Conferences was that they had not reached unanimous decisions. He pointed out that the Round Table Conferences were never intended to be constituent assemblies but were meant to be consultative bodies. The future constitution of India rested with Parliament. No one who was present at the third Round Table Conference could forbear paying a tribute to Sir Samuel Hoare, to whose incessant work, great patience and unfailing courtesy the success which was attained was mainly due. He regretted that, both on personal and public grounds, the Labour party had not assisted the proceedings and added: 'after all that had been said in the last 25 years was it not our duty—no one can do more—to develop responsible government in India? We are all agreed that there must be some change and the only difference of opinion is the extent of the change.' Referring to the White Paper, Lord Sankey said that although the scheme of an all-India federation was unprecedented, the charge that the matter had been unduly hurried could not be substantiated. The opportunity would be given for a minute examination of the proposals during the Joint Committee and when the matter came before Parliament for final determination.

'In the one sense we are not going beyond the recommendations of the Simon Commission. We are attempting what the report has envisaged as a proper solution, namely, an all-India Federation. We do not have the cooperation of the princes and provinces, thus losing that element of stability (?) A measure of provincial autonomy was difficult. As far as Indian opinion is concerned, Indian politicians say they will not work it. They reckon ill who leave them out. Rightly or wrongly, many Indians will tell you that you are giving them the husk and keeping the kernel.' The most important question was safeguards, They relied on the powers of the Governor-General, the Governors, the army and the services. If anything more could be suggested, let it be put before the Select Committee.

It might be said that we were placing too much responsibility on a single individual, but looking at our past history, we had never yet failed to find the man we wanted and need not despair for the future. To enable the Governor-General to keep his finger on the pulse of public opinion and have up-to-date information, he had a right to preside at any meeting of Minister and have any information he required. Summing up, Lord Sankey said that the Governor-General would not only have the right but the power in the last resort to put the army in motion and take over the government, while in less formidable situations he could disallow Acts passed by the legislature and make ordinances and pass Governors' Acts.

'This does not mean that the safeguards will be required for daily use. The people of India are not all extremists. Millions are our friends.

Lord Sankey paid a tribute to the immense debt which the country owed to its services. Life for them was no summer holiday but an ever-increasing burden of duties and responsibility. They were working sometimes under the most dangerous political conditions, with a single eye for the good of India and England. When the history of the Empire was written no body of men and no individuals would receive greater praise than those who had given their lives to the most wonderful service that they would have ever seen. We were bound in honour to discharge our obligations to protect them.

It might be argued that too much stress had been laid upon the safeguards, which were just as necessary for India as for England. He confessed that the proposal to allow law and order to be administered by the provinces filled him with anxiety but there was seemingly no escape from this conclusion but whatever course we pursued we would find ourselves confronted with some risk. "To grant complete independence is a risk; to do little or nothing is a risk. The present scheme is not only a scheme which can be worked but will be worked, at first possibly by only a section of the Indian people, but eventually by all. The scheme will prove to the world that England is not unmindful of her promises and probably will give breathing space for many years, but if you reject it we may soon have to go farther and fare worse".

*Lord Snell* (Labour) acknowledged the great courtesy and unfailing patience with which Lord Sankey presided over the Round Table Conferences, keeping them united on the common aim of promoting the good of India and England. The only critical comment the speaker would make on Lord Sankey's speech was that Lord Sankey placed undue emphasis not upon what should be given to India but what should be withheld. He agreed with Lord Sankey's well-merited tribute to the I.C.S. which was in no way a party question. He would approach it in the belief that everybody was equally anxious to secure the greatest possible good of India and England. The Labour party desire to re-affirm that their point of view was one of co-operation between the British Government and the leaders of Indian opinion. They believed that cooperation should always be sought and that Britain should seek to win them at every stage of the constitutional changes. The decision of Labour to participate in the Select Committee had not been unanimously approved by the party. Many were unwilling to subject their colleagues to experience which they might meet in the committee where their votes and not their views would be respected. They also felt it was not a difficult question to release the political prisoners who were not guilty of acts of moral turpitude. It was felt perhaps that Labour ought to decline to join the committee until these men were liberated.

He ventured to hope that before the committee began to work Government would make a gesture of goodwill by releasing at least a great part of the prisoners.

Labour as a whole felt it its duty to share responsibility in the great and grave task before Parliament.

Lord Snell re-read the declaration of principle made by Mr. Lansbury in the House of Commons. He questioned Government as regards the exact position of the Indian representatives and asked if they would have full rights as participating members in everything except in voting and preparation of the report? Would they be able to submit their own suggestions and move modifications? He suggested that the British members should be allowed to have secretaries and advisers as during the Round Table Conferences as the strain would be prolonged and severe. The Labour criticism was that the solemn pledges of Dominion Status were not honoured. The wisdom of granting Dominion Status was open to question but we should keep to our pledges. We might have to hear angered Indian representatives say that they had been misled, if not betrayed. He complained that Dominion Status did not appear as the goal of our endeavour which would only help the extremists to make more difficult the task of enlightened statesmen. Labour would also have liked more liberal conditions for women. The greatest need of India was an educated womanhood. No one could have seen the work of the women Round Table delegates without thinking that India would be richer if more women were permitted to participate in the important work before them. The safeguards had been designed mainly in the interests of Britain, although Indian interests had not been overlooked. It was mere adroitness to say that we were giving self-government when the very spirit of self-government was withheld. We should appear to the Indian people as a party of generosity in small things with the miser's caution. He said the safeguards left the soul of India affronted and complained that Government were seeking to appease a section of their own party.

Lord Lytton said he was prepared to accept the White Paper as the basis of discussion but some features caused anxiety. Lord Lytton agreed that further advice was now overdue. His criticisms were not due to a desire to recede or stand still or go slower but because in certain respect he desired to proceed differently. Lord Lytton felt that Government's arguments were directed rather to a justification of some advance than to a defence of the particular proposals made in the White Paper. He thought that since the Simon Commission had reported Government had no policy of their own but relied more and more on the Simon Report. He pointed out that there had been three Round Table Conferences and three committees had been sent to India and it was now proposed to submit the White Paper to yet another committee. He feared that when at length the bill was produced Parliament would be told it was too late to consider the alternatives and the bill must be passed. That was not quite fair to Parliament on which the ultimate responsibility rested. Lord Lytton considered that after the Simon Commission had reported, Government should have announced its policy and produced a bill thus obviating three years' delay. He said the criticisms of the White Paper related to the details and not to the Government's intentions. He accepted the principle of provincial autonomy which was overdue, also the combination of provinces and states in an All-India federation but doubted the wisdom of establishing now an imperfectly digested and ill-prepared scheme with divided responsibility. It appeared that the authors of the constitution did not believe that the scheme would work and relied overmuch on the safe-guards to save the situation.

Outlining an alternative policy Lord Lytton pointed out that hitherto federations had consisted of independent units, voluntarily surrendering powers to the federation. The first step, therefore, was to create the units which could then be brought into the Federal Government. Parliament should offer to establish a better Government for the whole of India as soon as the necessary conditions were fulfilled, namely, first, the establishment of self-Government units in British India and secondly, agreement between the units and the states to accept the authority of the Federal Government. If we now established provincial eutonomy, to be followed by federation as soon as the second condition was fulfilled, there was a good chance of the proposals being accepted. He added that he had only criticised some features of White Paper because experience had shown that divided responsibility which was a feature of dyarchy and which was now proposed to be introduced to some extent in the Central Government was neither an efficient safe-guard nor good training for responsible government.

Lord Amptill supported the proposed Select Committee but counselled gradual progress expressing the opinion that a more cautious advance was in India's interests. He said that the Simon Commission went far enough though he did not support the transfer of law and order which would impose an intolerable strain on the British army in India. He said the real test of fitness for self-government was possession of armed



forces sufficient for defence against external foes and for maintenance of the internal authority of the Government in which connection he urged Indians to recognise that the surest way of hastening self-government would be the establishment of a national militia in every province as the people's army and constitutional force which was essential for democratic nationhood.

Lord Ampthill proceeded to recall his relations with Mr. Gandhi in South Africa when Lord Ampthill said he was the solitary champion of Indians. He said if the British Government had then taken bold action on just and generous lines, Mr. Gandhi would never have taken to passive resistance and non-cooperation for which there would have been no occasions as Indians would not have been slighted by imputations of racial inferiority which was the root of the trouble. Lord Ampthill 25 years ago in South Africa was seeking Dominion Status in effect for India within the empire. If it had been freely conceded, politicians in India today would not be asking for a Dominion Status which was utterly inapplicable to the relations between Britain and India. Lord Ampthill agreed it was necessary to proceed with the great experiment of grafting European ideals to India in the hope that a vigorous and fruitful new species would evolve.

*Lord Lothian* expressed the opinion that when the Select Committee faced the facts of modern India they would be driven to the same conclusion as the Round Table Conferences and the Government. He pointed out that the White Paper was based on three fundamentals, namely, federation, Indian's responsibility of her own domestic affairs and the safeguards. Arguing a case for this he sketched a picture of the difference in conditions of India to-day and that of the pre-war days. He stressed the fact that there had been great increase in the school population, university students and the spread of newspapers and wireless. Lord Lothian said that the economics of the village had also profoundly changed and did not depend on the monsoon but on world prices. He said that as chairman of the Franchise Committee he had studied the probable evolution of parties. He had decided that the foundations of parties before long would be economic. Party evolution would follow the normal lines when India was rid of pre-occupation with the British issue.

Referring to the picture sketched of new India Lord Lothian said that it was useless putting a dam to the forces which had been released and urged that political manhood was only to be developed by responsibility. In this connection he paid a tribute to the degree of responsibility already shown to the Indian legislatures in view of the fact that they were confronted with irremovable executives. He urged that it was important to develop responsibility both in the Centre and the provinces. Lord Lothian believed that the proposed constitution would work if launched with reasonable common sense and good-will. He saw no possibility for the future except to continue on the present lines. He pointed out that disaster was prophesied whenever a Dominion constitution was established. We had been surprised at the quality of men the Dominions had produced when responsibility was transferred to their shoulders. Lord Lothian believed that the same would be true in India and contended that Government's scheme was sound because in fundamentals it was based on two ultimate realities of the Indian situation namely, that Indians must be allowed to take over control of their own government and it was impossible for Parliament to continue to govern in details Indians who live in a changing world. We must be responsible for the defence and unity of India because its unity was our creation and our gift and there was at present no force in India able to maintain unless we did. Lord Lothian turned to the question of the possible alternatives and declared that there was no alternative. Social reform would never be obtained without the enfranchisement of a sufficient portion of the community. He claimed that the Franchise Committee had carried out the Premier's instructions that no important section of the community should lack the means of expressing its opinion. He criticised the White Paper proposals for the representation of women which was a grave mistake. He hoped that the Select Committee would remedy it for a strong representation was necessary if women were to escape their age-old bondage. Having dealt with the suggestion that there was too much democracy in the White Paper Lord Lothian considered the second alternative, namely, provincial autonomy now and federation later and said that he opposed the proposal (1) because it constituted a rebuff to the proposals of the princes for federation, (2) because it would render at the centre a legislature of log-rolling delegations sent not to consider all-India affairs but affairs of the provinces and (3) because Indian public opinion would not accept advances by stages. Lord Lothian considered that

some form of dualism at the Centre was unavoidable. He approved of the White Paper view that the best way was to put, in the Viceroy's cabinet real leaders of the opinion of the legislature and allow them to discuss certain matters at the Cabinet and not on the floor of the House.

Lord Lothian was not so afraid of the Congress as many people in Britain. He was frightened about searing the heart of the youths of India by not giving the work. The best remedy for the Congress was to give them work in the Government as far as possible. He was, therefore, convinced that while the details might be altered, the only course was to proceed on other lines laid down in the White Paper and in accordance with the better mind in India.

Lord Linlithgow supporting the motion said that his own opinions had been profoundly modified by his visit to India as chairman of the Agricultural Commission when he found that official opinion largely favoured an extension of the principle of self-government. An overwhelming proportion of the European commercial community was also prepared to support advance. He felt we were bound to go forward. Safety lay in advance. He was convinced that those who dread the effects of change in defending lost their cause and those who talked of indefinite prolongation in British India of benevolent autocracy showed marked insufficiency of political foresight. A new way of life between the East and the West must be found. He believed that in India we would ultimately make substantial contribution to that new adjustment. Referring to the fears of the effect of self-government on the rural population Lord Linlithgow believed that the rural population would prove better able to look after their own interests than many supposed. But he thought that the franchise proposals and the methods of election were capable of improvement in the interests among others of the rural population. He said that if the principle of representative government was applied too hastily, it might give rise to assault on the rights of property, thereby prejudicing the future development of India. Lord Linlithgow described the transfer of law and order as the crux of the problem and said that self-government was not possible unless they were transferred. The success of Indians in conducting the department would be the test by which the British would judge the fitness of British India to enjoy self-government, for failure would lead to such a demand for a reversal of the policy of India as no British Government could resist.

Lord Hastings described the White Paper as a tremendous achievement. He argued that provincial autonomy before Central responsibility would result in a gradual absorption and disappearance of the states which would not be able to resist the peaceful penetration of a democratised British India. It was necessary to give the states the assurance of not only the maintenance of their present position but also the opportunity of preserving that position in a democratic way by having a voice in the federal legislature. Lord Hastings recognised that many princes were exceedingly nervous and said that it was unreasonable to expect unanimity from the Chamber. We would be unjustified in saying that because the last meeting of the Chamber was not fruitful, they would be further removed from the desire to federate than two or three years ago. All they desired was to be individualists. If the princes sent representatives to the Select Committee, he did not believe that they would draw back and make Central responsibility impossible. On the contrary he was confident that it would be possible to make the scheme a success.

Lord Lamington having declared that contrary to his earlier opinion he now favoured simultaneous provincial autonomy and Central responsibility said that while Mr. Gandhi and others talked wildly of Indians' right to secede from the empire, India was unable to dispense with British protection for there were people across the Frontier awaiting Britain's disappearance for an opportunity to loot and there would be devastation on a scale unseen for centuries. Lord Lamington declared that an outside power was required to adjust the diversity and rivalry of the different races. He pointed out that for 70 years a handful of Britishers kept peace and order. India's populations had increased by 100 millions showing that the administration was conducted with an honest desire for the advance of India's welfare on principles of justice, fairplay and sympathy. We were not going to abandon those attributes because Indians were to shoulder a greater degree of responsibility. We would continue to act as mediators in those rivalries and difficulties and as a harmonising influence in a truly united India.

## 2nd. DAY—HOUSE OF LORDS—5th. APRIL 1933

In the House of Lords to-day, *Lord Olivier* supported the motion and said that one thing which impressed all who were brought into contact with the facts was that they were unable to handle the situation on the old theories of government. A new aspect of the situation was the idea of federation, which impressed him ten years ago when he began to study Indian politics. After giving instances of the faulty working of dyarchy, Lord Olivier approved of the transfer of law and order in the provinces, saying that he had been converted by his conversations with Lord Willingdon and others, who made it clear to him that it was perfectly safe and reasonable under certain conditions. The ground was now clear for provincial autonomy, in which everybody concurred. One of the difficulties was that Indian politicians expected a ready-made constitution, but that could not be put in such a form as to give Dominion status. There would probably be an outcry that faith had been broken with the Indian people because Dominion status had not been established. He, therefore, regretted the form of the White Paper and thought that the Government should have made it clear that the constitution would be revised for an automatic and continuous development towards Dominion status.

*Lord Salisbury* said that it was difficult to exaggerate the seriousness of the task on which they were engaged, but he thought that the House should adopt the motion without committing themselves. He disputed the analogy which people sometimes tried to establish between the Indian constitution and the British constitution, and pointed out that the British constitution had been evolved gradually over a thousand years, while the Indian constitution was purely artificial, striking at the very roots of what was most valuable and vital in Indian life. They were unable to rely upon Lord Sankey's placid optimism.

Lord Salisbury declared that responsible ministers representing a majority could gradually evade and defeat the safeguards, telling the Governor-General that if he did not do what they wanted they would resign, and he would be unable to get another Government. The Premier's solution to the communal question was unsatisfactory and finance was chaotic. Both questions were completely undigested. Yet the committee would have to deal with them. He complained that arrangements with the princes were being done blindfold and that although the White Paper provided safeguard it did not provide a machinery by which the safeguards could work. It was only by weighing every step that they could prevent a catastrophe. Just as those who lost Ireland would never be forgiven by the country, those who lost India would never likewise be forgiven.

*Lord Hardinge* said that the policy towards India had always been progressive. In fact, during his administration it was regarded by man with suspicion as advanced, radical or something worse. He urged it would be better to allow provincial self-government to develop on its own lines before a further experiment was made at the centre. He declared that he was informed by a former member of the Viceroy's Council that only a few Indian politicals wanted central responsibility but dared not say so publicly. We had no right to take risks in our responsibility for that vast continent. He welcomed the safeguards, but did not attach much importance to them because one knew how easily such safeguards could be whittled down until they became practically ineffective. He urged the Government to adopt a policy of greater responsibility and caution. There should be no question of conceding central responsibility until events had proved that provincial self-government was a practicable and justifiable policy. No risks should be run of administrative chaos, which he was profoundly apprehensive was certain to follow in the event of self-government being conceded in the centre and the provinces simultaneously.

*Lord Strathcona*, who holds a minor Government office, regarded the White Paper procedure with complete equanimity and confidence. It was as complete and perfect as it could be from the standpoint of Parliamentary control. He converted the view that federation (responsibility ?) in the centre was a reversal of the policy because it created central dyarchy, and argued that by reserving the army and foreign affairs one was not creating dyarchy because they were not of vital internal importance. As regards law and order, he said that it would have been somewhat of a sham if they had given provincial autonomy without transferring law and order. The Government were fully aware of the difficulties. If Indian politicians proved worthy of that charge, then it would be realized that they were able to govern themselves at least to the provinces.



Lord Strathcona said that the test of the Government's proposals would be the amount of cooperation they received, and warned the House against the fears that the Congress would be unwilling to work the scheme, pointing out that they were not necessarily legislating for the Congress but also for those in India who had always been willing to assist the Government. He believed that the scheme would give Indian politicians a sense of responsibility. It would be for them to assist the Government in making the scheme work. He believed also that there were elements in India who were determined to see that the proposed reforms were worked and Indians themselves would prove that they had no intention of serving the British connection. Lord Burnham, speaking on the motion for the appointment of a Joint Committee, referred to the treatment of the Simon Commission by the late Government and thought that it was the only example in British history of the Parliamentary commission appointed for the purpose of guiding Parliament's policy never having its report formally considered. He said that the Simon Commission found the prevailing opinion of the official world one of impending catastrophe, although some seniors were buoyed up by the idea that the present system would last their time. He contended that those with the best right to be heard had been largely ignored.

Referring to the presence of Indians on the Joint Committee, he asked whether they would be witnesses or assessors. He feared that if Indian members were present when their compatriots were examined the latter would say nothing new.

Lord Burnham hoped that the Committee would be open to the press so as to prevent the publication in India of destroyed and coloured accounts. He said that their Indian fellow-subjects did not observe the rule of confidential reports of the provincial Governments always published in the Indian newspapers before they were received by the Commission.

Lord Burnham proceeded to refer to the reception of the White Paper proposals in India as evidence of a lack of goodwill and said that those who believed in compromise trusted to Indian Liberals, but they were a party of generals—a phantom party who were compelled to tow the Congress line. Moreover, the princes were evidently discontented and if the majority came in, it would be with great doubts and reservations. Lord Burnham concluded by observing that he did not agree with the statement that it was a choice between a breach of faith and a breach of trust and said that the British were pledged to the gradual development of self-government. But the time and pace of it were always left open.

*Lord Brabourne*, formerly Mr. Knatchbull, a member of the House of Commons and Sir Samuel Hoare's Secretary, in a maiden speech confessed that as Conservative he felt disquiet at the idea of rapid advance, but the contacts made recently showed that there was another side to the question. He believed that if the doubter had his opportunity of attending the third Round Table Conference, the opposition to Government's proposals would be very small. He said they would have been struck in the Round Table Conference by the almost complete agreement on most controversial points and the strong conservative opinion expressed by the Indian delegates. He said that there was an almost unanimous agreement on the Governor-General's powers. Also there was an almost general demand for most of the safeguards. Lord Brabourne expressed the opinion that the British had now an opportunity of carrying the moderate elements who might drift towards the extremists or lose interest if nothing was done. He was of opinion that the development of responsibility would bring into politics a large volume of conservative forces which at present were dormant for lack of opportunity and when the Federal system was operating it would greatly weaken the Congress because there would be nothing to hold the Congressmen together. He declared that the strongest safeguard was public opinion as expressed by an enlarged electorate. He welcomed the appointment of the Select Committee and hoped that its deliberations would not be too lengthy.

*Lord Hutchison* said that when he visited the states he gained the impression that the princes were willing to join the Federation provided certain conditions were carried out. They were anxious about their treaties with the Crown and unwilling to accept a new treaty with the Indian Government. Lord Hutchison urged that the Constitution Bill be hastened in order to give reasonable time for the settlement of the princes' new treaties with the Viceroy. He believed that it was in the interests of the princes, their people and India that they entered into the Federation. Otherwise, the autonomous provinces would gradually absorb the states. He

welcomed the establishment of responsible government and hoped that the Joint Committee would have the help of the best draftsman in the difficult task of drawing up its findings.

*Lord Middleton* maintained that those with a thorough knowledge of India should have been more closely consulted and said the high tributes were paid to the I. C. S. as administrators, but when they retired their opinions were unwelcome. Declaring that the British were now seeing the results of the decision not to give the Indians an oriental form of education, Lord Middleton said that the British would soon see how this sham democracy would work. He did not know of a single white man who knew India who was optimistic. All feared terrible chaos because the elements of democracy were lacking. Lord Middleton suggested that, instead of saddling India with a form of government which many countries without the Indian complexities or race and religion were unable to carry on comfortably, it would have been better to expand the existing states and create new ones so as to evolve a United States of India under the Viceroy with a powerful army. He concluded by saying that he hoped that he was wrong in his complete mistrust of democracy in the East.

*Lord Elbank* pointed out that the proposed constitution differed from other Federal constitutions. It was really cooperative and not Federation. He urged that one of the main objects of the Joint Committee should be to simplify Government's plan so as to make it more workable and more easily understandable. Lord Elbank was emphatic that it was essential for success that the princes should enter freely and voluntarily without pressure from the British and India Governments. He suggested that the police in large urban areas should be subject to the ultimate control of the Viceroy or the Governors. He also suggested that the final legislation should contain the fullest possible safeguards with reference to trade.

### 3rd. DAY—HOUSE OF LORDS—6th. APRIL 1933

*The Marquess of Dufferin*, resuming the debate, said that it was only natural that the White Paper should be criticised very severely, but the only relevant criticisms were those backed by constructive proposals. There was a great risk involved in handing the police to Indian control but Indian opinion would fix on two key subjects which would determine its reception of the report. In the centre Indian opinion would fix on responsibility for finance and in the provinces on the handing over of law and order.

If they pinned their faith to central control they should be betraying their trust to millions of Indians, whose only concern was with provincial subjects. They were mistaken if they thought that responsible government would spring up in India in a night. For long time they would have a fluid constitution and much inexperience. Indians would be too glad to take advantage of the guidance of Governors and Viceroys. The recent demand by the Legislative Assembly for the extension of the Finance Minister's term of office was a good omen of the way the constitution would work. The constitution contained all the seeds of responsible government. For the first time the onus of proof was placed upon Indians.

If Indians governed well there was no limit to what they could do and if they governed badly the British were there to rescue them. They had a Parliament peculiarly well fitted to deal with the situation and also a Secretary of State and Viceroy worthy of the high traditions of their offices. They had a British India weary of struggle and anxious only for peace. Indian politicians were anxious to proceed with their schemes of social reform, while the princes were ready to take their part in the Federation. He saw nothing permanent in an alternative to the White Paper but seeds of that same dissension and decay which had blossomed in Ireland laying an intolerable burden on another generation.

*The Marquess of Zetland* supported the scheme as a whole although certain features seemed objectionable. He was satisfied that the Federation was the only sound basis on which a self-governing constitution could be conducted. He was convinced that by adopting a measure of responsibility Government were much more likely to secure reasonable consideration and suitable government than if they merely perpetuated the existing system. There was an idea in some quarters that

the Government of India as at present constituted possessed elements of strength and stability. That was not his view nor the opinion of Provincial Governments who were in the best possible position to form an opinion. The Government of India as at present constituted was not capable of safeguarding the interests of British trade, the best safeguard of which was a contented India.

'We would have anything but a contented India if anything short of the White Paper were conceded,' said Lord Zetland. He quoted Sir Surendranath Banerjee as an instance of the effect of responsibility and said that Sir Surendranath after being known as the uncrowned king of Bengal underwent a remarkable change in his whole political outlook on receiving responsibility for an important department which he offered him, including the shouldering of the unpopular task of boldly supporting proposals for increased taxation which were carried by his powerful advocacy. It was for such reasons that not easily but gradually Lord Zetland came to the conclusion that by far the safest course was to grant responsibility not only in the provinces but in the centre.

The Marquess of Zetland disliked intensely the position in which it was proposed to place the Viceroy. Whenever anything went wrong he would be expected to right it. The scheme placed far too great a burden on the shoulders of one man. Practically the only provision for safeguarding the interests of the minorities was the declaration in the White Paper, yet they constituted a special responsibility of the Governor-General and Governors in order to submit matters affecting their special responsibilities. Without such provision the safeguards would prove wholly illusory. He added that the authors of the White Paper contemplated with complete equanimity, if not satisfaction, a sort of a gladiatorial combat between the Viceroy and the legislature in the event of disagreement and criticised this arrangement by which the Viceroy was ostentatiously dragged into the limelight as the man who would prevail over the will of elected representatives of the people. He suggested that the Committee should consider a less objectionable way.

He criticised the system of direct election to the Federal Legislature and was unable to understand how the authors of the scheme persuaded themselves that this was a practicable proposition. He pointed out the difficulty of canvassing in constituencies as large as Wales. That was the best way to reduce the representative system to a farce.

*The Earl of Middleton* criticised the police provisions and urged that the Governors of provinces should be heads of police having an official in the Ministry representing the interests of the police. He added that not a single member of the House was willing to say that the White Paper, even if passed as it stood, would give satisfaction to India. He hoped that Government would examine the question of law and order with an open mind.

*Lord Lloyd* said that when this amazing and highly complicated document was further studied he was sure that both the Houses would realise that the policy founded on it was unlikely to bring order and contentment to India. Many of those who had doubts in that connection felt themselves hemmed in by a long series of inescapable pledges. He considered that they were only bound by the Act of 1919 which was a pledge to which they were fully committed. Recalling his experiences in the Near East, he referred to the chaos and turmoil caused by immature systems of Parliamentary Government and the wreckage that they could bring to the people.

He referred to Syria as an example which, despite the able and firm hand of French guidance, had its constitution going only for a brief time when there was a collision with the Governor and Parliament was disrupted. Persia and Iraq had a travesty of Parliamentary Government, their systems being very close to autocracy. That was not what we wanted in India. Nothing could be worse than sham democracy or sham Parliamentary Government. There was no greater crime than to mislead the peoples of the East into thinking that the British Government were giving them what they were not.

He had perhaps almost more experience than any other member of the House of Lords in dealing with a policy of independence with safeguards for four years. Apart from the Montagu-Chelmsford reforms in India, he had been wrestling with this policy in Egypt. If anyone thought that this scheme would bring peace to India he was gravely mistaken. Sir Samuel Hoare had said that safeguards were



necessary if stable government was to be secured. Sir Samuel Hoare had boasted that he was going to hand, without safeguards, to Indian Ministers practically every single matter affecting millions of Indian villagers. Did not 300 millions of Indian villagers require safeguards?

His main criticism of the White Paper was that it weakened, not strengthened the connection between Britain and India. There was no reality in self-government without the transfer of the police and army and there was no security for anybody if it was made. It would be disastrous if pressure were put on the princes to join the Federation. He recalled the incident between Lord Willingdon and 'Ranji' saying that no one who remembered 'Ranji' failed to feel deep sorrow at it.

He did not see what would prevent Labour, when it returned to power again, from modifying the Constitution, altering the balance of power and weakening the princes' position. Referring to Egypt he said that they took independence but refused safeguards. He prophesied that the British would find the same course pursued by the nationalists and quoted Mr. V. J. Patel and Sir Tej Bahadur Sapru at Allahabad in January. He described Sir Tej Bahadur as one of the most brilliant moderates in India. The right course was to revert to the Simon Commission basing their recommendations on it. That was the only course likely to give results. One could not have real responsibility with effective safeguard.

*Lord Reading* said that throughout the debate no one had suggested for a moment that there should be any retrograde movement as regards India or that there should be a standstill policy. That meant they were all agreed that there should be a measure of advance in the Government of India. Again they were all agreed that there should be provincial autonomy. The only questions at issue at present were the questions of pace and degree.

Lord Reading pointed out that only three out of the 24 speakers had not held high office in India or participated in Indian Commissions, the three being Lord Salisbury, Lord Elibank and Lord Ponsonby. All were agreed (even Lord Lloyd), that there should be provincial autonomy but there were differences concerning the police and law and order. There was also complete agreement inside and outside the House and in India that Government were anxious to secure an Indian Federation. Lord Reading pointed out that the Simon Commission favoured provincial autonomy, which meant the transfer of all the remaining subjects of which the only important subject was law and order. He did not believe that a single person would be found to support the suggestion that a European Minister should be appointed to deal with them. That would be an impossible situation.

Dealing with Central responsibility Lord Reading recalled his abolishment when the princes declared in favour of federation. He said that he came to the conclusion that the reason for this was that they were dissatisfied with the Government of India as it was then administered and thought it ought to be changed. Lord Reading added that while he would keep as open a mind as possible as a member of the Select Committee nothing which had happened since the princes' announcement had caused him to depart by a hair's breadth from his statement at the Round Table Conference on behalf of the Liberals at the time. Consequently, he was prepared to accept in substance the constitution as presented in the White Paper, though he reserved the question of any necessary consideration or elaboration. Dealing with the safeguards Lord Reading asked if there was any constitution which had been put into statute that did not contain safeguards which often arose not through a distrust of those receiving responsibility but were inserted for the purpose of retaining their confidence.

Lord Reading did not consider that the duties placed on the Viceroy would be greater than those incurred at present. He did not believe that any ex-Viceroy in the House would declare the position to be such that nobody would be able to perform the duties.

Lord Reading proceeded to deal with the position of the princes in relation to federation and said that while nobody would advocate pressure, it would be most regrettable if the princes after their announcement of work done in Britain and India and the promises they had held out did not enter federation in sufficient numbers to enable the federation to start.

Lord Reading warned the House against assuming that past difficulties would continue in the future. He thought that when the scheme was operating Indians'

attention would be concentrated on their own domestic affairs and they would cease agitating for constitutional reform.

Lord Reading proceeded to draw a picture of the procedure to be followed under the new constitution and suggested that in practice the old difficulties would not emerge and perhaps there would be little need for the safeguards since most of them were designed to meet emergencies, if they arose. He believed in a system of work and looked forward to much happier times than some speakers. 'We had an opportunity to take a tremendous step in advance which would give Indians the hope that they might be able to manage their own domestic affairs, though naturally they would remain part of the association of partnership with the empire.' He believed they would take pride in that position and in what we had achieved in India and the ministers, guided along avenues of integrity according to British ideals would take pride in their task.

Lord Reading concluded that it was not an armed force which had given us power in India but the character of the British and their reputation for honest and fair dealing and justice and for carrying out of their promises.

*Lord Ponsonby*, the Opposition Leader, said that Labourites had decided to serve on the Select Committee for three reasons. Firstly, it was the duty of the Parliamentary Opposition to take a share in the evolution of any bill; secondly, they should be able to assist Government when the latter was pulled to the right and, thirdly, their presence was more important than that of any group. It was as important as Government itself because the Opposition represented the future government of Britain. Lord Ponsonby did not believe that the Simon Report could seriously be advanced as an alternative policy. He dwelt on the difficulty of putting a constitution on paper and said that if the British constitution was put as a White Paper it would not be given a second reading in either House. He emphasised that no constitution would work unless the people to whom it was accorded desired it to work. Moreover, smooth working was not the only point. He quoted in this connection Sir Henry Campbell-Bannerman's dictum that 'good government is no substitute for self-government'.

Indians must work out their own salvation. We should see the foundations of the edifice truly laid and not trouble overmuch about the facade. Lord Ponsonby criticised the White Paper over-emphasising the safeguards and said that Labourites had desired to see the promise of Dominion Status implemented. He had hoped it would be given on a certain date and under certain conditions. It was at present not mentioned. The date of establishment of federation seemed indefinitely postponed. There was too much limitation of the powers of the legislature while women's franchise proposals should be reconsidered.

Lord Ponsonby drew attention to the question of the atmosphere in India while the constitution was being discussed and urged that as long as men, particularly young men, were imprisoned for political offences, it was impossible to prepare the appropriate soil for the seed to be sowed. He paid a tribute to Lord Irwin's work as Viceroy and wished he had stayed another term to see the fruition of his labours. He said that after his departure the policy of the strong hand commenced. He urged Britain not to allow fear, suspicion or over-caution to prevent the grant of the fundamental right to self-government.

*Lord Irwin* replying for the Government dealt at the outset with the position of the Indian representatives and said that he was unable to add to the statement made in a previous debate when he said the collaboration must be a matter for the committee and that it was not possible for Indians to vote or sign the report. Subject to those limitations Government hoped that the committee would avail itself to the utmost of most free consultation with Indians and would allow them to voice objections and criticise freely.

Lord Irwin proceeded to reply to those who opposed advance at the Centre and quoted his personal experience as to why he did not share their views. Lord Irwin said that before he went to India he had been an implacable member of the Conservative Opposition whose principal concern was to resist Irish Home Rule. Moreover, when he joined the Government he served his novitiate under Mr. Churchill.

Lord Irwin consequently went to India with no predisposition either to accept or press Indian claims but conditions in India compelled a reconsideration of his attitude. He found the political intelligentsia acute, subtle and highly trained in the technique of political life and notions on which we pride ourselves for giving to the world. This was all reinforced by the fact that Indian education vastly outstripped industrial development with the result that many drifted into politics failing to find a job. Moreover, this was supported often by the very unscrupulous and almost ubiquitous vernacular press.

Lord Irwin agreed that the political intelligentsia was a fractional minority but it was not a minority in the sense of contra-distinction to the majority. It was, therefore, not merely the Congress but many of our most loyal friends who were anxious to see India move towards the management of her own affairs.

Lord Irwin proceeded to describe the existing system of government in which connection he said that the legislature often acted as a great restraint but there had always been internal friction with increasing difficulty and irresponsibility and when he had been to India for a short time he formed the definite view that the point had almost reached where the constitution was unworkable. Referring to Lord Lloyd's suggestion of adopting the Simon Report Lord Irwin declared that it would not secure a strong centre which was desired as a balancing force for developing the provinces. •

It was not on account of pledges but because of the hard fact that going back would not get us on that Lord Irwin was driven to the conclusion that advancing was the only way of meeting the situation and the logic of facts drove us to responsibility.

Replying to the contention that the Montford reforms had failed, Lord Irwin said that it was true they had increased communal difficulties and led in some places to a certain loss of efficiency such as could be expected under similar conditions in any country, but they were always recognised as transitional and on the whole worked remarkably well. Lord Irwin mentioned among the benefits of the Montford reforms the forming of new parties pointing out that new parties in the Punjab and Madras had beaten the Congress. He proceeded to contest the view that the present position was due to the mistake of any particular individual and said it was due to the pressure of events.

Lord Irwin claimed that the policy of federation on the basis of defined responsibility and supported by provisions through which Britain would continue to assist India on matters on which she needed it, was fitted to the facts better than anything else and was complimentary to the Simon Report. It was difficult to visualise another fitter scheme but if the Joint Committee was able to improve the proposals nobody would be more grateful than the authors of the scheme. The fact that Government had reached the White Paper conclusions did not imply that they were blind to difficulties. They did not overlook the communal difficulties or the fact that India was still unable to defend herself but we were bound to assist in overcoming the difficulties, thereby assisting India to realise her aspirations of a greater measure of self-government.

Lord Irwin pointed out that the British criticised the safeguards on the ground that they were useless and Indians on the ground that they were destructive of responsibility. He thought that the truth lay between these viewpoints. He agreed with Lord Reading that the powers would not be often exercised. The Governor-General would trust his ministers. The latter would not wish to seek a quarrel with their best adviser and friends. He won't believe that Indians would desire to invade the sphere of the Governor-General's special responsibilities. He did not believe that Indians would want to see India's credit damaged, the country inadequately defended or the minorities disturbed. He reminded those who differed from him that the Central legislature was so constituted as to enable the state elements to make their voice heard.

Lord Irwin did not believe that the work of the Governor-General would be unduly arduous compared with to-day. He proceeded to refer to Indian criticisms and pointed out with reference to the criticism that responsibility occupied only a clause or two in the White Paper whereas the safeguards occupied pages, that Indians for 12 months had been asking to see the exact safeguards on paper. As far as he was aware there was nothing in them which had not been accepted or at least generally



understood. Lord Irwin never expected enthusiastic reception in India but the criticism to which the White Paper was being subjected in no way shook his conviction that if the scheme was passed, plenty of responsible Indians would work it and that every safeguard was demonstrably in the interests of India. He pointed out that either the safeguards would not be required in which case responsibility would be unlimited, or they would be required, in which case reasonable people would think it their right to have and exercise them. Referring to the criticism that 80 per cent. of India's revenue was mortgaged to fixed charges, Lord Irwin asked Indians to analyse the British and see how much the Chancellor of the Exchequer was free to spend. He said that withholding of law and order in the provinces would render it useless to proceed with the reforms. He pointed out that Moslems in the Punjab would be bitterly opposed to it as Hindus elsewhere.

Lord Irwin deplored the manner in which the protagonists of both sides played into another's hands, creating new misunderstandings and suspicions and immensely aggravating the task of moderate men of both the countries.

He concluded that he had never doubted that with reasonable goodwill on both sides it would be possible to reach a solution whereby Indians would find the reality of constitutional reform and British anxiety would be resolved and allayed. He hoped, therefore, that in the next stage we and those who came from India would approach the question not in the spirit of a grim struggle to acquire and retain power, but as partners in a most difficult and most honourable enterprise through a solution of which both the countries would do much for the assistance and strength of the other. Both were members of a great society of which he hoped, each would always be proud and happy to call itself a party.

The motion was carried unanimously.

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**CONGRESS & CONFERENCES**

**AND**

**CHAMBERS OF COMMERCE**

**JANUARY—JUNE 1933**





# THE CHAMBERS OF COMMERCE

## Federation of Indian Chambers of Commerce & Industry

DELHI—15th. & 16th. APRIL 1933

The Sixth annual session of the Federation of Indian Chambers of Commerce and Industry was held at Delhi on the 15th. & 16th. April 1933. The following is the text of the presidential address delivered by Seth Walchand Hirachand on the opening day :—

### REPRESSION

I am sorry the review of the past year's work has to begin with the mention of the policy of repression followed by Government during that year. As you all know, the year 1932 opened with the incarceration of Gandhiji as a State prisoner which was followed by a general policy of raids, arrests and imprisonments. The inauguration of such a policy was bound to adversely affect the economic fabric of the country. This is but in consonance with the well-recognised law that the commerce and industry of a country are appreciably affected by the slightest tremor caused in the political strata. This is neither the time nor the place to chronicle the subsequent events in the political history of our country. I might, however, quote the opinion of an impartial Englishman who was a member of the deputation sent out to this country by the India League to study the Indian situation on the spot and whose opinion will, I am confident, be considered fair and unprejudiced. That gentleman, referring to one aspect of the policy of repression, has said :—

“When I know that the Commissioner of Police in Bombay can send merchants to jail because their refusal to trade with the other merchants constitutes an offence and can release those whom he terms as ‘law-breakers’ when he is informed that trading has started in a certain market—this is something new in law and commerce.”

Whilst we in this country were realizing to our cost how by the promulgation of the Ordinances, the administration of justice was made subservient to the exigencies of executive administration, on the other side of the world Lord Reading tried to hold this state of rule by Ordinances, to the admiration of the “Civilised World,” by asserting in a broadcast speech on India to the American public that

“We have promised to insist on the maintenance of order in India and we wish to make secure liberty and justice there *in accordance with the aims and ideals of English-speaking peoples*, both American and British.” (Italics are mine).

We have had sufficient experience of the ideals of liberty and justice for which the British nation stands in their administration of this country for over a 100 years, to know the meaning of these terms as applied to India. It is not easy to see why Lord Reading coupled the name of the Americans with the British by suggesting that the aims and ideals of both Americans and British were the same. Probably he has a greater insight in the administration of the Philippine Islands by the Americans than ourselves as he felt justified in roping in the Americans as he did. Those who have watched the working of the Ordinances during the year 1932 do not believe that such an action, even if now legalised by Government, will create a calm atmosphere for the working of the reforms. For the purpose of creating such an atmosphere, Government have been trying to crush the biggest and most powerful political organisation—the Indian National Congress. That organisation with its 47-year-old traditions and its clearly expressed policy of non-violence and representing as it does not only the intelligentsia but the vast masses of the country, can and will never be crushed permanently. At the most, it might be driven underground for a time, but the present impasse will continue and the bitterness will go on increasing both against Government and Britain until those who were responsible for forcing the Congress to resort to civil disobedience movement by advising the Viceroy to decline an interview to Mahatma Gandhi, realise the harm that they are doing not only to India but to Great Britain and be morally courageous enough to

cast aside all notions of prestige and find out ways and means to create goodwill among the people of this country. This and this alone will be a guarantee against any future political and economic eruptions in the country. In my opinion, and that opinion is sure to have the backing of the Federation, the release of Mahatma Gandhi and the release of all political prisoners is absolutely essential to create real goodwill between the two nations. Let us hope that better counsel will prevail in London and at Simla in the near future to bring about such a change.

#### DECLINING TRADE

During the period of uncertainty in the past year, India's normal trade naturally suffered a heavy set-back in addition to the set-back caused by the world-wide depression that has existed for last four years. India's balance of trade, which was always in her favour and which was helpful in discharging her obligations outside India, diminished to a very alarming extent. In any other self-governing country such a fall in the balance of trade would have created a stir in the Government circles, and would have spurred them to adopt emergency measures to adjust the import and export trade of their country. In India, however, as it did not adversely affect the British commercial and industrial interests, the usual policy of "Laissez Faire" continued to prevail. Whilst in other countries either the currency policy is adjusted to suit the exigencies of the situation or tariff-walls are erected to check the imports from foreign countries, in India, unfortunately, the administration not being in national hands there have been no readjustments in either the currency or the tariff policy of the Government of India whose currency policy has always been subordinated to the interests of Great Britain. The haphazard manner in which the policy of discriminating protection is applied by Government, combined with the newly adopted policy of Imperial Preference, has not resulted in any appreciable progress in the establishment of new industries in the country. This apathetic attitude of the Government of India towards the increasing unfavourable balance of trade against India makes us feel despondent about the future of the economic condition of our country. The appeal made by promoters of several Swadeshi and "Buy Indian" Leagues to check foreign imports to the greater use of indigenous goods has had some effect in the beginning, but as these movements had not only not had the support of Government as in Great Britain, but were looked upon with suspicion, the efforts and the effects thereof began to dwindle. As you all know, Great Britain witnesses the unique phenomenon of the "Buy British" campaign supported by everybody from the Prince to the porter and receiving whole-hearted support at the hands of the administrators of the country and as a result of this propaganda, the inrush of foreign exports to that country was very soon checked. In contrast with this attitude we have in India responsible ministers in the provinces, carrying on a campaign for giving preference to goods manufactured in other parts of the Empire even at the cost of Indian-manufactured goods. Such an interpretation of the cult of swadeshim from men in authority will not help the industries of this country. The time has come, or rather past, when it is necessary for each and every Indian to observe a vow to buy and use only pure Indian goods to the exclusion of all others. If once a genuine and lasting demand for Indian goods is created, there is every reason to hope that we shall see springing up in our country a large number of industries financed, managed and controlled predominantly by Indians which would be able to supply the requirements of our countrymen. It would not be out of place for me to refer with appreciation to the work that is being carried on by a number of "Buy Indian" Leagues or Swadeshi Leagues organised in various provinces in the country to propagate the cult of swadeshim and to appeal to you all and to my countrymen at large to give them all encouragement and support that it is possible for you and them to give.

My predecessor last year dealt in detail with the very distressing phenomenon, which, I may say, is unique, in the economic history of the whole world, I mean the enormous drain of the yellow metal from this country. The callous indifference with which the people's gold reserve is allowed to be drained away in spite of the unanimous condemnation by the representatives of the Indian commercial community is a vivid example of how the interests of a nation ruled by another are disregarded by the latter for its own advantage. That the exports of gold from India were required by Great Britain to give strength to the pound sterling does not now require to be proved. If still there is any doubt lingering in the minds of any of my countrymen, they have merely to look at the policy pursued by such mighty nation

as the United Kingdom and the United States of America with their gold hoarded in their vaults and then to compare the same with the opposite policy in this country adopted by the administrators belonging to one of these nations. Whilst the United States of America with more than 7,000 million dollars worth of gold in their vaults think it wise to put an embargo on the export of gold, India's non-Indian Finance Minister characterises this distressing feature of gold exported from India as a "pleasing phenomenon". It is not difficult for us to understand why this phenomenon of the export appeared pleasant to Sir George Schuster and his countrymen. It is, however, necessary to examine the ingenious argument used by the Finance Member in defence of his inaction. The Finance Minister puts forth a very amusing theory that the proceeds of gold realised by Indian sellers had been transferred to interest-bearing investments. It seems that he has ignored the fundamental fact that the average Indian is not likely to bring into market his gold ornaments unless he is compelled by circumstances to meet daily wants. Thus, a portion of the sum realised by the sale of gold must have gone to the money-lenders from the pockets of the agriculturists and small holders of gold articles, while the greater part of the remaining sum had to be exchanged for commodities. This process of forced sale of gold led to the increase of British imports in the country, which was wished for both by the Finance Member and the manufacturers in his country. Some of the balance may at first sight be supposed to have been used for the purpose of assisting industries, but so far as I know, no industry except the sugar industry is in a sufficiently flourishing state in the country and therefore is not capable of absorbing any new capital. Even the capital for the sugar industry has not come from those who had sold their gold but mostly from substantial business men. In support of my statement, I would request you to go to the villages in the country and there you will see for yourselves the cry of distress emerging from the huts of these villages and you will be satisfied that the story about the re-investment of gold is much less than half a truth and consequently much worse than untruth. I feel it my duty at the time of laying down the reins of my office to voice from this platform the feelings of those who know their country well and to warn the administrators against the continuance of policy of economic exploitation of my country any longer and would advise them even now to put a stop to the export of gold.

#### BRITISH INDUSTRIAL POLICY

Outside India we have been witnessing a very interesting change in old things giving place to new. The United Kingdom's plan of keeping a hold on the European group of nations under the obligation of war debts has failed completely. Activity in the industrial world outside the United Kingdom has placed British industries face to face with severe competition from its rivals on the continent. British industries for the last 15 years have not been able to face world competition in the Eastern markets of the globe and the very policy of free trade of which Britain boasted for more than 80 years had to be changed to one of protection. The McKenna duties, the Safeguarding of Industries Act, the Dye Stuff Importation Act and the recent Import Duties Act are a sufficient indication that the existing plight of British industries forced the hands of the British Parliament and Ministers to give up the economic policy founded by Richard Cobden and John Bright familiarly known as the Manchester School. After the Great War no efforts were spared by British administrators abroad in the dependencies and in the colonial empire to give by administrative Acts whatever relief they could give to British industries. Discrimination in favour of their industries at the cost of indigenous ones was the principle on which the British administrator governed this country under their control during the last 15 years. We have an illustration of this policy in the passing of the Indian Currency Act of 1927 when the rupee was appreciated by Statute to 1s. 6d. to give advantage to British industries to the extent of 12½ per cent.

#### IMPERIAL PREFERENCE

The passing of the Currency Act has not the desired effect of increasing British imports in the country. The purchasing power of the people was going down on account of the slump in the prices of agricultural produce. This added to the advent of the cult of Swadeshism which led to the reduction in the volume and value of British imports into India. The depression that set in since 1929 made the position of British industries still worse and in 1931, Britain had to go off the gold standard to correct an advance balance of trade. Britain went off the gold standard just to suit



its purpose of giving artificial encouragement to its export trade without in the least calculating the effects of its policy upon the currencies of the world. The attitude of the United States of America towards Great Britain and the competition created by the industrialised Nations in Europe forced Great Britain to create a sterling area for tariff purposes among countries constituting the British Empire. Thus it was sought to secure some relief at Ottawa at the hands of the Dominions by securing an extra advantage of 10 per cent by way of Tariff Preference over the manufactures of non-empire countries. India being still a dependency, her interests were naturally subordinated to those of Great Britain : the Government of India, controlled as it is from London, had no choice but to acquiesce in the policy enunciated by the British Government. The country had the misfortune to witness the tragic farce of the Legislative Assembly ratifying the Ottawa Pact in spite of the unanimous verdict against it from all economists and representatives of Indian commercial interests in the country. With a solid Government bloc in the Assembly and with immeasurable amount of patronage at their disposal the administrators of the country are able to get the Assembly to ratify or legalise any action of theirs in spite of country-wide opposition. We have another instance of this power of the present administration in the legalisation of the Ordinances that were temporarily issued last year by the Viceroy for the suppression of the surging tide of nationalism created by the Congress in the country.

#### WORLD ECONOMIC CONFERENCE

In spite of all these efforts the United Kingdom has not been able to find a correct solution of the stage of helplessness in which it is finding itself as the result of the unprecedented economic depression that has set in for the last four years all the world over. To an impartial student of world conditions, the attitude of the United States on the question of war debts is understandable inasmuch as they do not want Great Britain or the European Group of Nations to utilise their resources made available to them by the liquidation of war debts to carry on a ruthless competition against American industries in the world markets nor do the United States want these resources to be made use of by the debtor nations to add to their armaments and thus be a menace to the very peace of the world. If satisfactory guarantees are forthcoming on these questions, I do not think the United States of America will stand in the way of an amicable adjustment of war liabilities between the nations. This may be said to have aggravated the distressed condition of the world and the forthcoming session of the World Economic Conference is an indication of the anxiety of all the nations to find out a remedy to cure the world of the existing depression. India as one of the eight industrially great nations of the world is naturally interested in the forthcoming Conference. As you know, the position of our country is entirely different from that of the other industrial countries. She has yet to develop her industries on right lines and in these days of severe competition, they cannot be developed without the active help of the State. She has very little to gain from the policy of discrimination and Imperial Preference as means to build up her industries. A self-government country, with immeasurable raw materials available everywhere, with an enormous home market, with hydraulic power available at almost every industrial centre and with abundance of cheap labour, would have developed her industries in a manner that would have won the admiration of the whole world ; but India, with all these advantages, presents a different and a sad picture under British administration. It is some satisfaction to note that in spite of the existing handicaps with a tenacity, characteristic of India and owing to her own peculiar advantage her industries may be considered to have fared less worse than those of other countries in present world conditions. She will have to make her position very clear at the World Economic Conference. She will have to revise her tariff policy in a manner suitable to the requirements of her industries. Her outlook, therefore, towards any of the question on the agenda of the Conference must be entirely different from that of other countries owing to an honest clash of interests between the western nations and herself. The United Kingdom and the United States of America attained the positions which they occupy to-day by a policy of actively promoting and safeguarding thier own industries as against the foreigner. The United Kingdom particularly used even the weapons of administration and legislation including the weapon of discrimination in favour of their interests to encourage its industries at the cost of the development of Indian industries. I need not refer here in detail to their deliberate

policy followed in this country of not only stultifying all efforts towards the development of Indian industries but even of going to the extent of destroying by unfair competition the industries that had survived the havoc of the East Indian Company's commercial policy in India. All this is a matter of history known to you all and which makes a very painful reading. We must at this stage make it clear to the Government again that India's economic and financial needs are distinctly different from those of the other industrially advanced countries of the world including the United Kingdom, and India will have to strike out an altogether different path of her own at the World Economic Conference to suit her own requirements. India does not want to be dragged into a policy not suitable to her own needs and it is, therefore, all the more necessary that the Government of India should give possible opportunity for the nation's rightful representative to attend the conference and to express candidly the nation's point of view before it.

#### CONSTITUTIONAL PROPOSALS

Coming nearer to the realities of the situation in the political world in India, all I can say is that the expectations raised in the minds of several of our countrymen for the last four years are set at rest by the publication of the White Paper in March last. The verdict of the nation as voiced by the various organisations and their representatives of whatever political thought and creed is unanimous in this that it is not capable of satisfying even the most moderate demands of the progressive political intelligentsia in the country. The constitution of the Central Government, the reservation of Federal Finances to the extent of nearly 80 per cent for reserved subjects, the sweeping, extraordinary and uncontrolled powers proposed to be vested in the Governor-General and the Provincial Governors, all these and other limitations, reservations, restrictions and safeguards lead one question the very bonafides of the intentions of Great Britain towards India. The very inauguration of the Federation is subject to three principal conditions. The one particularly relating to the establishment of the Reserve Bank, seems to me to be incapable of being brought into practice for yet a long time to come. This view is strengthened by the deliberate line of action which the Government of the country is following in respect of its currency and exchange policy and also that relating to gold exports. Even assuming that the Federation is brought into existence, I am very much doubtful if its working will tend to make the nation solvent for the years to come, when 80 per cent of her revenue would be earmarked by Statute towards the maintenance of an army kept chiefly for Imperial purposes, debt services, the pensions and Civil Service charges. Thus scarcely 20 per cent of the revenues are left for the nation-building departments of the country.

#### ADJUSTMENT MILITARY BURDEN

I understand that the report of the Indian Defence Expenditure Tribunal has been submitted to the Prime Minister. One of the issues dealt with by the Tribunal relates to India's claim to a contribution from the Imperial revenues towards military expenditure in India on the now admitted ground that the army in India is maintained to a certain extent for Imperial purposes. Millions and Millions of rupees were debited in the past to India's account towards such expenditure and India rightly claims substantial relief in this matter. Another item which requires a very careful examination is the past obligations thrust on India by the British administrators of the country. I would particularly refer in this connection to the various wars waged by the British outside the limits of India and in which India had no real interest. Huge amounts were paid from the Indian treasury towards these wars, and if Britain wishes to be free from all charge of misappropriation and mal-administration during her regime of trusteeship of this country, an honest and true account of all these expenses incurred on these wars waged for imperial purposes must be rendered to the newly-installed Government of this country.

#### THE DOMINATION OF THE SERVICES

I would lastly refer to a grievance and a very serious and genuine grievance entertained by the country regarding the recruitment of the all-India Services and the privileges enjoyed by them are far higher than those of similar officers employed by Great Britain, Dominions or any other country in the world and are quite out of proportion to the financial resources and taxable capacity of the country. India cannot afford to maintain such a costly Civil Service, and the British Parliamentary Joint Committee should, in fairness to this country, revise the clauses making them

## THE PROPOSED RAILWAY BOARD

This question of the establishment of a Railway Board to administer the affairs of the Indian railways really came as a surprise to those who were all along told at the second and third Round Table Conference that this Body will be constituted by the newly-formed Federal Legislature. The railways in India with more than 800 crores invested therein constitute the biggest asset of the country. They have been so far managed by a Railway Board with the Commerce Member as the Chairman. No necessity has been felt for constituting a Statutory Board for the administration of these railways. I do not know whether the proposal as incorporated in the White Paper is the result of any apprehensions entertained in British circles owing to the fact that the future Commerce Member of the Federal Government will be an Indian Minister and therefore he may not be relied upon to follow the same policy that his predecessors had been following in the pre-federal period. The Railway Board wields an enormous power to make and unmake any industry in the country and if this power is wielded in the national interest of the country, I am sure many an industry will be encouraged in the land and will add to its prosperity. Looking back to the history of the administration in the past, I can well understand the object of the British administrators to constitute the Railway Board as a close preserve for British interests and as the administration will be run by non-Indian persons at the helm, there will be very little change of the future Railway Statutory Board with immense assets worth nearly 800 crores under control following a policy that would relieve unemployment in the country, increase the country's productivity and add to the national wealth. I am voicing the unanimous opinion of the entire commercial community when I say that the mercantile community views with grave concern the proposal in the White Paper relating to the establishment of a Railway Board.

I do not wish to express my opinion on the other proposals in the White Paper as they will be discussed by the whole House either to-day or to-morrow. But let me warn the British people in the country and outside that their interests will be safer in the hands of Indians vested with full power rather than if real power is denied and nominal control given. In such a case people will be tempted to find out ways and means of circumventing all safeguards to damage those vested interests. May I repeat the warning given by the Poet Tagore in his letter to the Indian Conciliation Group, London.

"Genuine peace in India can only result from fearless recognition by the Government of the fundamental claims of humanity".

To this I may add that given a status equal to that of Canada, Australia or South Africa as defined by the Statute of Westminster, India, with a population of 350 millions of souls, will always be helpful in maintaining peace in the world.

## Proceedings and Resolutions

### 1. Release of Gandhiji

After the Presidential Address, Mr. Walchand Hirachand moved that the dual policy of the Government had failed and that in the interests of peace, goodwill and prosperity, it was essential that Mr. Gandhi and other political prisoners should be released forthwith.

Mr. R. K. Sidwa wanted to move an amendment, but the President requested the House to pass the resolution unanimously.

Mr. K. Santanam observed that the resolution had come as a surprise to them. It differed materially from the one on the agenda. He added that the principle underlying the result might be non-contentious, but the words in which it was couched were contentious.

Mr. Shroff of Bombay objected to the procedure, in so far as the delegates were not supplied with copies of the resolutions to be discussed in the House.

Mr. Walchand Hirachand replied that printed copies of the Agenda were not yet ready and so members were not supplied with copies.

Mr. R. K. Sidwa suggested that the resolution might be brought forward after reconsideration by the Subjects Committee.

Mr. Kapadia on a point of order, asked whether the moving of a resolution in this way did not expressly violate the bye-laws.



Mr. D. P. Khaitan asserted that there had been no violation. The resolution was drafted before the publication of the White Paper. Now that the Paper had been published and the views of different sections had been aired, it was thought desirable to delete the latter portion of the resolution.

Ultimately, it was decided to defer consideration of the resolution.

## 2. Outflows of Gold

The following resolution was then moved :

"This Federation views with alarm the continued outflow of gold from India, valued at over 120 crores of rupees since September 1931, and regret the policy of inaction on the part of the Government of India, in spite of strong protests by the Indian mercantile community, in view of the huge loss of the immense potential strength which the gold resources of India might have supplied to the future Reserve Bank. The Federation reaffirms the necessity for steps being taken forthwith by the Government to put an embargo on the export of gold and to buy gold in India for the purpose of strengthening the currency reserve equivalent to the sterling rates of gold in London.

"This Federation protests against the Government policy in keeping the rupee linked to sterling and urges that the rupee be allowed to find its own level".

Mr. Nalini Ranjan Sarker, proposing the resolution strongly recommended the imposition of an immediate embargo upon the export of gold still leaving India. Such an embargo, he thought, was at present imperative. He trusted that the Finance Member would reconsider his policy and would not only place an embargo on the export of gold, but buy gold in India for the purpose of strengthening the currency reserves.

The speaker criticised at length the policy of the Finance Member which he characterised as very novel. Neither the economic welfare nor the productive capacity of India required the maintenance of imports at the present level. On the contrary a large part of the imports came directly into conflict with the prosperity of the struggling Indian industries. The Government should take steps to restrict the import of goods. If the present level of exports could not support the present volume of imports, the Finance Member, instead of allowing the free export of gold, should either stimulate exports or reduce imports.

Sir Chunilal Mehta supporting the resolution regretted the difference of opinion between the Government of India and well-informed people in the country. It was unfortunate that the gold and exchange policy of the Government was not in the interest of the country. He bitterly criticised Sir George Schuster's policy in the matter of gold export and questioned his statement that the Government of India could not afford to buy all the gold offered for sale. The Government stood unique in the world in not taking advantage of the opportunity to accumulate gold, but actually facilitating its export. India parted with gold worth Rs. 120 crores. There had absolutely been no corresponding gain or advantage. He appealed to the Government to revise their gold and exchange policy because it was admitted by all that the gold standard could be the only international standard and gold would continue to occupy its pre-eminent position as the only means of adjusting the balance of international transactions.

Mr. Mohanlal Ambalal Parikh observed that the situation had become very perilous, endangering economic fabric of the country. He asked whether it was a wise policy for any country to live upon her capital resources. The export of gold was the visible index of an unfavourable balance of trade in merchandise. The Government declared that if the exports of gold were prohibited, imports would decrease and the customs revenue would drop heavily. It meant, he added, that the economic interests of the whole country were to be sacrificed to keep up the customs revenue. The Government flattered away a large part of their gold and silver reserves for the maintenance of the eighteen pence gold ratio and were now dissipating the gold reserves of the country to maintain the eighteen pence sterling exchange. It was high time, he concluded, the Government looked to the economic interests of the country and made use of this golden opportunity to buy gold and leave the rupee to find its own level.

Mr. Shroff observed that the attitude taken by the Federation towards the linking of the rupee to sterling had come to be recognised as correct. Indian trade he said, had got responded to it, which could be seen from the fact that Indian exports had considerably fallen since last year. Sir George Schuster refused to place an embargo on gold as it did not tally with his political philosophy.

Pandit Santanam wanted to move an amendment, to the effect, that the Federation appealed to firms dealing in gold to minimise the export of the metal, but was not allowed by the President to move it on the ground that the amendment could be moved in the House. He was, however, allowed to speak on the resolution. He observed that they were appealing to the Government, which was unsympathetic to the country, instead of approaching the brokers in gold to take united action. Were they going to sit tight with folded hands and do nothing? He concluded that it was no use passing the resolution, unless they were prepared to follow it by voluntary action. The resolution was carried unanimously.

### 3. Sale of Silver

The Federation resolved regretting that the Government should continue the policy of silver sales despite public protests, and expressing the opinion that since the recommendations of the Hilton Young Report were not now operative, the Government should stop further sales of silver.

### 4. Salaries 'Cut'

Sir Purshotamdas Thakurdas moved a resolution protesting, in view of the present critical economic situation in the country, against the Government of India's decision to partially restore the 'cut' in the salaries of Government servants without first giving any relief to the tax-payer. Sir Purshottamdas based his criticisms on Sir George Schuster's budget speech. He wanted to know if the Government, before ordering the five per cent restoration examined the economic condition of the country, as Sir George had promised to do. About two crores of rupees were involved in the proposal, which was unjustified. None could contend that the level of prices had gone higher than what it was last year. If anything, it had gone down. That being so, the Government of India had shown partiality to a class of servants who had security and who certainly were not under-paid, and in fact were in many cases over-paid. The Government's decision only proved that the Government existed for their services and not for the tax-payers' interests. As long as the Military department was the special concern of the Government of India under instructions from London, the tax-payers' interests in India were bound to suffer.

Mr. B. Das supported the resolution, and appealed to those attending the Joint Committee in London to press for a reduction of the salaries of Government servants and of the Military expenditure. The resolution was carried.

### ELECTION OF COMMITTEE

When the House was about to proceed to select the committee members, Mr. A. D. Shroff, raising a point of order, contended that unless a report of the working of the past year was given showing the work the Committee had done, it would be unfair to invite the House to elect a fresh Committee, as they might be voting down the members who might have done good work. Moreover, no convention was binding when it was contrary to the spirit of the times. They also wanted time to meet the members and discuss election matters.

Mr. Walchand Hirachand ruled that the agenda had been for fourteen days before the member-bodies, but not a single representation had been made regarding the procedure for election. He agreed to adjourn the House for half-an-hour to enable the members to exchange views before returning the ballot-papers at 5 p. m.

Mr. Sidhva represented that it was mentioned on the agenda paper that the ballot-papers would be issued, but not that an election would be held that day.

Mr. Bagaria reminded the President of last year's happenings when the Committee was elected, it being made a matter of vote of confidence.

The President observed that his recollection was different, but if any individual member spoke, he did not express the view of the Committee.

Pandit Santanam observed that there would be no harm in postponing the election, especially as it would be better if the members were elected after the resolutions were passed, so that they might be saved the necessity of resigning in case the Federation passed resolutions which the Committee members were unable to carry out.

Mr. Birla : They can always resign. Mr. Shunmukham Chetti resigned when he did not agree with our policy.

Mr. Shroff : Why not ascertain the sense of the House on such a matter of vital importance?

Mr. Bagaria : We cannot otherwise take part in the election.

Mr. Birla : I can assure you, none of my friends would remain members of the Committee if the resolutions embodied a policy with which we did not agree.

Mr. Bagaria : Why put yourself to that position ? Why not accept Pandit Santanam's suggestion ?

Mr. Birla : Why presume that such a situation will arise ?

Mr. Shroff : As you are denying even the ordinary courtesy of taking the sense of the House, we are retiring.

Mr. B. Das : I always loved obstruction in another place, but this is a meeting of businessmen. Let us not make a scene.

The president ruled that they could give timely notice for a change of procedure only next year. Thereupon, the ballot papers were distributed.

#### A WALK-OUT

Mr. Shroff, Mr. Bagaria, Mr. C. S. Rangaswami and twelve others walked out, with a view not to participating in the proceedings till the election was over.

#### 5. Income-Tax Policy

Seth Kasturbhai Lalbhai moved : "The Federation expresses its deep dissatisfaction with the entire income-tax policy of the Government of India, and urges upon them to give effect as early as possible, to the following demands of the mercantile community, namely, (a) abolish altogether the surcharge now levied on income-tax and super-tax ; (b) to lower substantially the present high rates of income-tax and super-tax ; (c) to raise the amount of the minimum taxable income from Rs. 1,000 to Rs. 2,000 ; (d) to amend the Income-Tax Act so as to provide for a set-off for the losses sustained in any one year against profits for three subsequent years ; (e) to provide that appeals from income-tax officers both on points of fact and law should lie to an independent tribunal."

Seth Kasturbhai said that the resolution recorded the universal feeling among businessmen in India, as no less than eight Associations had tabled it. Indeed, there was no matter on which businessmen felt more keenly the injustice of the Government's policy than on this.

The speaker, tracing the history of income-tax, said that even the contingency of the War did not justify a material increase in income-tax rate, but after the War, the income-tax rates had been increased considerably. Next to Great Britain India was paying the heaviest income-tax in the world and that, in spite of the fact that Great Britain was a hundred times richer than India. India's future lay in industrialisation, but if 25 to 30 per cent. of the income was taken away in tax, where was the money to come from for industrialisation ? How was the purchasing power of the people to be increased ? As for those who argued how the Government was to be carried on, his answer was that the Capitation Tribunal which recently showed that England owed India seven crores of rupees. Why was this report not published and why was this amount not realised ? He was sure that if the Government wished, they could easily find the wherewithal to carry on. The Government's policy since 1923 had been particularly wrong and unjust, and he remarked "If you do not change the policy, you will drive the country to become Bolshevik (Applause). The situation is so pregnant with ugly possibilities that the Government must realise the iniquity of its policy, and change its money-grabbling tactics." The resolution summed up the claims of business men and he hoped it would be carried unanimously (Applause).

Mr. Gupta held that the policy of the Government was to employ the maximum scale of salaries and to keep taxation at the highest level.

Mr. Bagaria observed that he would not like to be content with the mere passing of the resolution, but urged that the Federation should secure the services of some eminent lawyer and mobilise the sympathies of members of the Central Legislature.

Mr. Parikh asserted that the whole system of income-tax assessment was an arbitrary one, and provision should be made for appeals to persons un-connected with the income-tax department. The resolution was carried.

#### 6. Statutory Railway Board

Mr. G. L. Mehta, of the Indian Chamber of Commerce, Calcutta moved : "The Federation emphatically opposes the proposals for Parliamentary legislation on Indian Railways, as it is not only tantamount to a repudiation of the autonomous



powers of the Indian legislature, but militates against elasticity of machinery, which must needs accommodate itself to the demands of the Indian transportation problems. The Federation, therefore, is strongly of the opinion that in the interests of Indian trade and industry, no proposal for a Statutory Railway Board would be acceptable, unless it is to be constituted by an Act of the Indian legislature. The Federation deprecates the formulation of the proposal for a Statutory Board, as suggested in the White Paper, in the absence of any adequate consideration or discussion of the same at the sessions of the Round Table Conference and without consulting Indian commercial opinion on the matter."

Mr. Mehta observed that the Railway Board issue had been smuggled into the White Paper. Everything that was important to promote national life had been placed under safeguards. Even Christianity had been put under a safeguard as if Christ needed a safeguard. Their objection to the Railway Board was not merely on the ground of procedure, but on fundamental grounds. A Railway Board, controlled by an outside foreign authority, would weaken the entire authority of the Finance Member and of the Government of India. It had been stated that safeguards were needed so that railways could be run on business lines, free from political interference. He asked whether it was not the first and foremost concern of the Indian Finance Member and legislature to run railways on business lines. How could they face the dire consequence of acting otherwise? As for political interference, it was clear from what a Cabinet Member had stated and from Sir Charles Innes' statement in the Assembly, that Indian railway expenditure had been encouraged by British people to secure others from India. The idea obviously was that a Statutory Railway Board under the thumb of the Secretary of State could find a market for British goods. "What was meant by political non-interference was that bureaucrats might have it all their way and the vigilance of the Assembly and of the Press should be eliminated. Sir William Ackworth had stated: "A Minister even if he abuses power can be watched and exposed, while a Statutory Commission taking shelter under statutory responsibility might act as it liked". This was the best argument against the proposed Statutory Railway Board.

Mr. Mehta contended that national economic welfare depended on the railway policy being directed towards the promotion of the agricultural, trade and commercial interests of India and if railway authority were to be taken away from the legislature, it would lead to disaster. (Applause).

Lt. Sodhbans supported the resolution, which was carried unanimously. The House then adjourned.

## *SECOND DAY—DELHI—16th. APRIL 1933*

### **7. The Sugar Industry**

The Federation resumed its session to-day with Mr. Walchand Hirachand in the Chair. Lala Padampat Singhanian (representing the Indian Sugar Mills' Association) moved: "The Federation invites the attention of the Government of India to the great handicap felt by the Sugar industry owing to the increasing difficulty experienced by sugar factories and refineries in the disposal of molasses produced by them. The Federation suggests that the Government of India should give full encouragement and assistance to the Sugar Industry for the production of power-alcohol, especially an admixture of alcohol with petrol as fuel for internal combustion of engines. In particular, the Federation suggests that every measure should be adopted by the Government in order to override the difficulties of a merely technical character (e. g. existing de-naturing rules) or relating to revenues (revenues derived by the Central Government from petrol or by the Provincial Governments from country liquor). The Federation recommends to the Government that the import duty on rectified spirits, and no molasses be increased to such an extent as would ensure adequate protection to the subsidiary industries dependent on the sugar industry in India from foreign competition."

Mr. Padampat Singhanian emphasised the necessity of converting molasses into power alcohol and urged the establishment of a pioneer distillery subsidised by the Government.

Mr. Lala Shriram, supporting the resolution, observed that there was practical unanimity of opinion between Europeans and Indians on the subject. The Government should not feel any difficulty in bringing the necessary legislation into operation.

### 8. Foreign Capital in India

A resolution drawing the attention of the Government to the absolute inadequacy of statistics of foreign capital invested in India and recommending the annual compilation of a comprehensive statement of the actual foreign capital invested in India, including private investments, was passed, with one dissentient vote.

Mr. Shroff thought that by suggesting an inquiry of the nature, they would be doing more harm than good.

### 9. Surcharge on Coal

Mr. A. L. Ojah moved a resolution stating that the levy of a fifteen percent surcharge on railway freight on coal despatched after 15th January 1932 had a great detrimental effect on the coal industry, and had been responsible for the loss of markets in many important industrial centres and stressing the necessity for its immediate abolition with a view to helping indigenous industries.

Mr. Ojah asserted that the local industry was not properly organised and had not strong supporters as the textile industrialists had. Unless the industry assisted, they would not get coal as cheaply as they did even to-day. The Bombay mills even to-day were using foreign coal and fuel oil.

Mr. Haridas Parekh, of the Ahmedabad Mill-owners' Association, pointed out that his city alone contributed Rs. 4,50,000 annually towards the surcharge on coal and pleaded for its abolition.

Mr. Sidhva referred to the complaint of the Bengal colliery-owners that Ahmedabad was not using their coal on account of its inferior quality, and enquired what the Federation had done to help Bengal coal.

Mr. Kasturbhai Lalbhai, on behalf of Ahmedabad, asserted that they never brought one pie worth of foreign coal, and were always helping Indian concerns. For instance, they gave all business to Indian insurance companies.

Mr. Sidhva reiterated that this was not an attempt to undermine the patriotic attempt of the Ahmedabad mill-owners. There had been correspondence on the subject between sister bodies and the Federation, and he wanted to know what was done in the matter.

Mr. Ojah explained that correspondence did pass, and that a complaint had been made on behalf of the Indian owners of collieries.

A voice; Is coal from Indian collieries?

The resolution was carried.

### 10. Tariff Schedule

Mr. B. K. Chetty moved a resolution urging upon the Government of India, the desirability of adopting the measures indicated below to afford adequate protection to the various industries, namely;

(a) that the export duty on raw skins and hides be raised to 26 per cent and 20 per cent respectively;

(b) that a duty of Rs. 50 per ton or 50 per cent ad valorem whichever is higher, should be levied on imports of cast-iron pipes, and further that the tariff value of Rs. 140 a ton may at least be substituted for ad valorem valuation now being adopted in the Indian customs tariff, so as to secure immediate relief to the Indian cast iron and pipe industry.

The resolution was further supported by Mr. Aiyar from Madras, and carried.

### RELEASE OF GANDHI AND OTHER POLITICALS

The resolution on the release of Mr. Gandhi and other political prisoners. discussion on which was adjourned yesterday, was adopted unanimously without further discussion.

### 11. Rail-Road Conference

Mr. M. L. Dahanukar moved a resolution, relating to the non-invitation of the Federation and the commercial community to the Rail-Road Conference. The resolution stated that the Federation understood that non-official representatives connected with vested interests in the development of bus traffic were invited, and was emphatically of the opinion that in order to safeguard the interests of the commercial community, representatives of Indian Commercial opinion should be asked to attend the said Conference.

Invitations to representatives of Indian commercial opinion, would have ensured discussion of the subject from all points of view. Since the railways were the big-

gest asset to the State, it was not the desire of the Indian commercial community to see them losing. At the same time they were anxious to see that private bus motor traffic was not killed or adversely affected either. He wanted a via media which would be helpful to railways as well as private motor bus traffic. He concluded that the present railway rates were very high and they should be reduced in order to give relief to Indian agriculture, industry and commerce in view of the fall in prices.

The resolution was passed unanimously, after being seconded by Mr. Sodbans of Punjab.

## 12. The White Paper

Mr. N. R. Sarkar moved the resolution on the White Paper. He said that the proposals contained in the White Paper were being universally condemned in India, and had not satisfied even Moderates who always were for Dominion Status. The speaker quoted the speech of the Prime Minister at the end of the first Round Table Conference, and said that the constitution foreshadowed fell short of even that speech. The safeguards which were to be in the interests of India were now said to be in the common interests of India and Great Britain, though actually they would be detrimental to Indian interests.

Mr. Sarkar asserted that the White Paper would not take India to Dominion Status, and the proposals would lead to dead-locks and break-downs. He criticised at length the provisions regarding discrimination and reciprocity, and claimed that the new Constitution would provide new shackles, instead of giving Responsible Government.

Mr. Ibrahim Karimbhoy, supporting the resolution, suggested the sending of a delegation of the Federation to give evidence before the Joint Select Committee.

Mr. B. K. Chetti supported the resolution.

Mr. Santanam, at this stage, sought to move an amendment.

The President wanted the amendment to be handed over to him before it could be moved. This was done.

The main contention of Mr. Santanam's amendment was that proper consideration of the White Paper was not obtainable under the circumstances when freedom of speech and Press were denied, and the Congress continued to be suppressed. It urged that no useful purpose would be served by participation in the discussion on Constitutional changes unless and until full political liberty was restored.

Negotiations for a compromise were soon set afoot, and when ten minutes had passed and the proceedings were in suspense, Mr. Abdur Rahman Sindhi protested that the House was being treated so shabbily.

The President suggested that the next resolution be proceeded with, with a view to enabling the carrying on of negotiations and arranging for a compromise.

## 13. World Economic Conference

Mr. D. P. Khaitan then moved the resolution regarding the World Economic Conference. Mr. Khaitan, moving the resolution, dwelt upon the international economic situation and analysed the factors which contributed to the present impasse. He was sceptical about the achievements of the forthcoming World Economic Conference, and feared that its deliberations would share the fate of those of its predecessors. It was necessary, he said, to see that Indian interests were not sacrificed to those of any other country, specially in view of the fact that Indians were not free to determine their own economic policy. He felt suspicious of those who were likely to represent India at the Conference, and warned the legislature not to accept the resolutions passed there if they clashed with Indian interests.

Mr. Khaitan urged that the prices of agricultural commodities should be raised, in order to make the country progress on the road to prosperity by shaping the currency policy in such a way as to achieve this end and by stabilising the exchange at a ratio which would be in the interests of the country. The Economic Conference, he concluded, should not make the mistake of treating different countries on the same footing and should bear in mind the difference between countries highly industrialised and those where Industry was still in the embryonic stage.

Mr. H. P. Bagaria, seconding the resolution, doubted if any good would come out of the Economic Conference. He thought that it was quite useless to expect anything from Government in the matter of raising prices, as an alien Government would never try to understand their feelings and do the needful.



Mr. Mehta supported the resolution, and referred to the Government's policy regarding export of gold, and said that the question of a gold standard should be discussed at the World Economic Conference. He felt that the resolution should contain some constructive scheme also. He suggested that a five per cent rise in the prices of silver would improve the purchasing power of the masses.

Mr. Khaitan did not agree with this view, and said that it was only a change in currency and exchange policy which would improve the condition of the masses of India. The resolution was carried.

#### 14. Indo-Ceylon Trade

At this stage, Mr. Peri Sundaram, Minister for Industries, Labour and Commerce, Ceylon Government, who has been attending the sessions of the Federation, was invited to address the meeting.

Mr. Sundaram recalled the established connection between India and Ceylon, how the Sinhalese race owed its origin to a Prince who went from Bengal, and how although not conquered by India they retained historical, cultural, religious, social and commercial relationship with India. He said that he would speak not as a Minister of Ceylon, but as an Indian and appealed to them to work hereafter for closer relationship and to remove whatever misunderstanding there might have grown in the past. Mr. Sundaram mentioned that so far as Ceylon was concerned, India had a large balance of trade in her favour as India exported to Ceylon eighty million rupees worth of goods and imported only fifteen millions worth from Ceylon.

They had in Ceylon cocoanut produce as the chief industry, and he appealed to India to remember that Ceylonese produce was not competitive but supplementary. Ceylon should get a preference in the Indian market not by putting higher rates on the goods of other countries, but by lowering the rates for Ceylon. Similarly, he said that India could expand in Ceylon her textile trade, which was now being tapped by Japan. He told them that as Ceylon employed a large Indian overseas population and numerous traders in Ceylon were also Indians, India gained not only by these people finding employment, but through these men remitting their earnings to India. He concluded by appealing to them to hold the Federation's sessions in Ceylon (Applause).

#### The White Paper (Contd.)

The House then resumed discussion on the White Paper.

Mr. Walchand Hirachand, the President, announced : "With regard to the amendment moved by Mr. Santanam, I find that there is nothing new in it. Our policy about participation or non-participation in the deliberations regarding Constitutional Reforms was taken by us long ago, and it still stands. I, therefore, request Mr. Santanam to withdraw his amendment."

Mr. Santanam : "Sir, I value your appeal. In view of the fact that the policy of the Federation in regard to participation in the deliberations regarding constitutional reform as laid down by the Federation, still stands unaltered, and in view of your assurance that there would be no discussion on the White Paper resolution and that other amendments would be withdrawn, I have no objection in withdrawing my amendment."

The amendment was withdrawn and the resolution as proposed by Mr. Sarkar was adopted. The resolution ran as follows: "The Federation having carefully scrutinised the proposals for Indian Constitutional Reforms as embodied in the White Paper, is of the opinion that the same are not only in direct breach of solemn promises of conferring a Constitution on India on the line of the Dominions, made on behalf of His Majesty's Government by British Ministers from time to time, but are definitely reactionary and retrograde, and fall far short of even the modest aspirations of the country and make the conferment of Dominion Status recede into the remote future.

"The Federation is convinced that the Constitution, as outlined in the White Paper, suffers from serious structural defects calculated to bring about frequent breakdowns or deadlocks, and that unless several of the proposals are materially altered, smooth working of the Reforms will be impracticable.

"The Federation is apprehensive that the scheme, unless modified, will result in creating such forces in the country as would not only undermine the economic and political life of India, but also recoil to the detriment of Great Britain. For these reasons, the proposed Constitution is unacceptable to the country.

"The Federation, therefore, appeals to His Majesty's Government to desist from any attempt to impose it on India in its present form, and to explore without any further delay the possibilities of altering the same so as to command the consent and co-operation of the people of this country."

There was considerable discussion on the proposed amendments to the constitution of the Federation.

Mr. Kapadia pointed out that a great defect in the present constitution was that the bye-laws of the Federation could not be changed by the members.

Mr. Shroff criticised the amendments at length, and suggested the appointment of a small Committee to examine the whole question in the light of the suggestions of the member-bodies.

Muslims pointed out that it was an inherent right of the delegates to propose amendments in the annual session.

Mr. Bagaria claimed that there were many objectionable features in the amendments.

Sir Purushothamdas Thakurdas gave a history of the amendments and said that two years ago the matter was referred to a Sub-Committee who were not under the influence of the Executive Committee. They submitted a report which was circulated to the member-bodies for eliciting their opinions. The opinions received were further considered by the Executive Committee. He asserted that if Federation was to continue, it must be guided by the opinions of the member-bodies and not by the opinions of the individual delegates. He, however, had no objection to the postponement of the question.

At the instance of Mr. Bagaria, the question was adjourned.

#### ELECTION OF OFFICE-BEARERS

Mr. Sarkar was elected President for the next year.

The following were elected to the Executive Committee: Mr. G. D. Birla, Mr. Ibrahim G. Currimbhoy, Mr. B. Das, Mr. Shankarlal, Mr. Walchand Hirachand, Mr. Ohunilal Mehta, Mr. Amritlal Ojha, Lala Shri Ram, Lala Padampat Singhania, Mr. P. H. Sodhbans and Sir Purshothamdas Thakurdas.

The annual report was adopted after some discussion.

The President did not allow Mr. Sidhva to read a statement in the House which he wanted to do, on behalf of those who walked out yesterday.

Mr. Sarkar moved a vote of thanks to the outgoing President. He also thanked the delegates for electing him as President, and said that he would do his best to serve them and solicited their co-operation in the discharge of his duties. The resolution expressing vote of thanks was passed.

Mr. Walchand Hirachand thanked the delegates and the members of the outgoing Committee, for their co-operation. The session was then adjourned.

## The Associated Chambers of Commerce

*OPENING DAY—CALCUTTA—9th. JANUARY 1933*

The annual session of the Associated Chambers of Commerce of India opened at Calcutta at the offices of the Bengal Chamber of Commerce on the 9th. January 1933. In asking the Governor of Bengal to declare the proceedings of the session open, Sir E. C. Benthall said:—

"I am sure I am voicing the opinions of our constituent members when I say that you are particularly welcome, because you are the man who has made your great reputation not through precarious and unstable by-ways of political advancement but by solid achievement and administrative efficiency,—a quality which we who are immersed in trade and commerce paraphrase by calling business ability. It is these qualities which India most surely needs to-day, for the problems of economy and finance are foremost in men's minds and these will remain when politicians have run their course. He added that he could say with confidence that the man who could solve the financial and economic problems of the present day would be remembered with gratitude in the history of the country. Business,

he said, at the present moment had its back to the wall but they had sturdy faith in their ability to solve their problems without hysterical calls to Government to wave a wand and produce dividends for them.

In dealing with the Ottawa Agreement, Sir E. C. Benthall said that it was doubtful whether there was sufficient appreciation of the tremendous importance of the Agreement or of the decision of the legislature to accept voluntary attachment to the British economic and financial system. In his opinion the Assembly had taken a perfectly correct view when they had held that it was impossible to assess the advantages of the Agreement until a certain measure of time had passed. Although the financial and economic results of the Agreement might take some time to make themselves clear, the moral results, he thought would be immediate, as the Agreement had linked closely the destinies of the two peoples at a time when the whole world was under a centrifugal strain. He congratulated Sir Atul Chatterjee, Sir George Rainy and the non-official members of the Ottawa delegation who in the face of studied and hostile propaganda made up their minds that the Agreement was likely to be of benefit to India and had courageously faced public criticism. He thought that the Agreement was also a triumph for the Commerce Chamber.

He next dealt with the constitutional problem and said that although advance had been slow it had been sure. He reserved his opinion on the achievements of the last Round Table Conference until the White Paper was published. He, however, thought that the session had been a triumph of reason and both the Indian delegation and his Majesty's Government deserved the highest encomiums for the tact, ability and sincerity displayed throughout the proceedings.

Referring to the part played by the Chamber in regard to constitutional reforms, he said that they had never opposed reasonable reform but always pointed out practical difficulties. Although there had been misunderstandings on account of this he believed that history would record that the part they had played was constructive and sound. He next dealt with commercial discriminations and said that they had been exercising their minds. Although no finality had been reached on the question he felt confident that his Majesty's Government and the Government of India were out to see justice done and he was personally confident that the large masses of Indian opinion were only too anxious to see them obtain 'free scope for our activities in the larger interests of India.' In this connection he paid a tribute to Sir Tej Bahadur Sapru and Chaudhry Zafarullah Khan who displayed their willingness to give them a fair deal. 'They are anxious to promote Indian industries, so are we. They are anxious to help the masses and protect the primary producer, so are we. But they are not aligned with others who are anxious to achieve by legislation what they cannot get by fair trade. Our views and the view of such people are not incompatible. But we have no intention of abandoning our position on this subject.'

Dealing with law and order, Sir E. C. Benthall said that although the position could not be said to be satisfactory it was a most healthy sign that the better mind of India had shown its willingness to stand by the principles of law and order by passing the Criminal Law Amendment Bill which had improved the outlook. Referring to the financial credit of the country, he said that the Associated Chambers of Commerce were in favour of the early establishment of the Reserve Bank but being practical men they appreciated the difficulty in accumulating the necessary reserves. He did not consider there was possibility of the scheme falling to ground for political reasons but he thought there was a grave danger of setting up the Reserve Bank merely as an administrative machinery with inadequate reserves. He assured that the Associated Chambers would study the problem connected with the Reserve Bank with a view to overcoming the difficulty with the minimum delay.

In conclusion, Sir E. C. Benthall dealt with the problems of finding work for the Anglo-Indians and the domiciled Europeans who were unemployed and said that anything done towards finding work for these would be most welcome.

#### **The Governor's Opening Speech**

In declaring the Session open, H. E. the Governor said :—

'The successful working of the new constitution in India as a whole cannot be looked for unless adequate provision is made by and under the new constitution for special problems particularly in the provinces in such a manner as to ensure the healthy political and economic development of each constituent unit of the Federation.'



His Excellency added that he shared with the representatives of the Chambers in the realization of the number and gravity of the economic problems wherewith they were confronted, accentuated as they were by political uncertainty not only in India but throughout the world.

His Excellency next referred to the striking improvement in the political situation and restoration in a substantial degree of the normal internal trading conditions after a period of organised interference dictated at least as much by political as economic aims. The Governor thought that cheap money which was now available in plenty would, when confidence was restored, play an important part in promoting commercial and Industrial development. Speaking on the Ottawa Agreement his Excellency said that the decision of India to enter voluntarily into an economic alliance with the rest of the empire was certainly of profound significance.

Dealing with constitutional reform, his Excellency declared that it should rightly occupy a large place in the minds of the commercial community and the old theory that the less commerce and politics were mixed up the better had to be substantially modified as in a modern State the functions of the government necessarily impinged more and more on the interests of trade. Those who represented trade and industry should therefore have a definite role to play in the sphere of government. It was of direct concern to them to see that the new constitution contained adequate provisions in regard to equality of treatment of commercial interests and ensured maintenance of international credit whereon the interests of Government as well as of the commercial community and the people ultimately depended. His Excellency hoped that the commercial community would take greater interest in the legislature so that their representatives would be in a position to hold their own with dignity and carry conviction in a debate. In this connection his Excellency urged the European commercial community to induce their young men to take more and more interest in the study of Indian history and of the manners and customs of the people among whom their lot had been cast.

His Excellency next dealt at great length with what he characterised as the pressing problem of unemployment not only among Europeans and Anglo-Indians but among the Indian middle classes, particularly in Bengal which was a legacy left by the educational system which had partly outlived its usefulness'. As businessmen, his Excellency said, they should direct their experience towards the solution of this important problem, the solution of which would be a cure for some at least of the ills wherefrom the Indian world—political, social and economic—was suffering at the present moment.

In this connection his Excellency referred to the suggestion made by the Bengal Chamber of Commerce, namely, the early establishment of a standing consultative body to be entrusted, in the first instance, with the making of a general survey of their position in the province of Bengal with a view to fixing some broad basis for future policy and said that he was not in a position to express any final opinion upon the matter but it seemed pretty clear to him that if action must be taken—and he was impressed by the case for early action—it must be if only for practical reasons on the lines suggested by the Chamber with the qualification that any committee set up while composed of persons chosen primarily on account of their special knowledge and experience must also be in the broad sense representative. There should be no question of racial discrimination. The European element was both important and powerful in the commerce and industry of this province but the less it was treated or regarded itself as in a watertight compartment the better it would be.

His Excellency, in conclusion, said that he was not in a position to express a final opinion on the Chamber's suggestion but that the Government intended to give a most earnest consideration to the eminently practical proposals they had put forward.

## Proceedings and Resolutions

Besides the delegates of the Chambers of Commerce all over India, Sir George Schuster, Sir Frank Noyce, Sir P. C. Mitter, Sir A. K. Ghuznavi, Sir C. L. Colvin and a large number of British and Indian businessmen attended the conference. Two resolutions were adopted to-day.

The first was moved by Mr. G. L. Winterbotham (Bombay Chamber) who urged the initiation, without delay, of legislation empowering the Government of India to take prompt executive action when necessary subject to such general ratification by the Legislature to protect indigenous industries against the import of goods from foreign countries which by reason of depreciated exchanges, bounties, subsidies or other artificial circumstances may be sold in India at prices which would be detrimental to indigenous industry.

Sir George Schuster, replying to the debate, doubted whether they will be justified in taking action for the sake of temporary consideration as a review of Japan's position showed that it was questionable whether she would be able to continue much longer.

The next resolution was moved by Mr. B. P. Cristall (Burma Chamber) recording emphatic opposition to any change in the regulations as proposed at a recent Madrid telegraphic conference either for plain language or for code telegrams which might increase the cost of telegraphic communication or interfere with the use of existing private codes. Among others, Sir Leslie Hudson (Bombay) supported the resolution. After Sir Frank Noyce had replied the resolution was put to the vote and carried.

A resolution by the Bengal Chamber of Commerce welcomed the steps taken to constitute a federation of employers' associations in India and gave the movement a cordial support.

The Karachi Chamber of Commerce's resolution recommended reduction in postal rates by airmail.

The Burma Chamber of Commerce while appreciating the concessions recently made whereby services of the Dutch and French air lines could be utilised for the carriage of letters outside India from Calcutta, Akyab and Rangoon and from Rangoon to Calcutta, strongly recommended the Government to make arrangements for the introduction at the earliest date of a British or Indian airmail service from Karachi to Rangoon and complete the link of the imperial chain of air service. It also suggested that the service across India should be permitted to carry passengers and mail of all kinds between points within India as well as, to and from points outside India. It further recommended that before a trans-India service was inaugurated the public should be allowed to utilise to the full the advantages offered by the Dutch and the French air services presently plying across India.

The Bombay Chamber of Commerce recommended the enactment of a legislation to provide for registration of trade marks in India in such a manner as will give the registered user of any mark the right to immediate injunction to prevent the use of such mark or any colourable imitation of it. It also opined that if customs authorities had no power under the Sea Customs Act to detain goods of designs whereon there were infringements of designs coming within the purview of the Indian Patents and Designs Act, immediate steps should be taken to amend the law so as to give customs authorities such a power.

The Burma Chamber of Commerce urged on the Secretary of State for India and the Government that in the event of Burma not being separated, one seat in the lower House of the Central legislature should be allotted to the Burma Chamber of Commerce in addition to the seat already allotted by the Franchise Committee.

Mr. J. S. Henderson of the Bengal Chamber of Commerce moving the resolution about the federation of employers associations, said that benefits which might be reasonably expected to accrue from the federation were more or less self-evident. Such a federation, the speaker thought, would be able to deal with questions of enormous importance to industries of India. The federation might also obtain representation on legislatures whereby it would be in a position to safeguard it against communist ideas.

Sir Frank Noyce said that it was not a resolution addressed to the Government but he was interested in it as the existence of a such a body could do much to facilitate the Government's work in various directions. In connection with the international labour organisation the need of a comprehensive federation of various employers' associations had been felt for the last many years. He pointed out that federation of employers to be formed should be representative of employers throughout India and racial or communal divisions should be avoided.

Mr. M. A. Duguid of the Karachi Chamber of Commerce moving the resolution on airmail declared that adoption of a long-sighted policy in this matter was in the true interests of all concerned and, therefore, his Chamber urged a reduction in the Indian surcharge to at least to the level of the United Kingdom.

Supporting the resolution urging a flat rate for airmail, Rai Bahadur P. Mukerjee of the Punjab Chamber of Commerce said that the chief reasons why rapid development of air transit was retarded was that the Government still continued to regard it as an extra facility.

Sir Frank Noyce in the course of his reply stated that the Government desired as much as those who supported the resolution that there should be an increase in airmail. He, however, was not in a position at the present moment to announce any decisions on behalf of the Government, but would gladly give the assurance that all the arguments advanced so far would be most carefully examined.

Mr. B. P. Christall of the Burma Chamber of Commerce moving the resolution on the extension of air route to Rangoon from Karachi said that it was the most important in India and therefore, it was incumbent on India either to undertake a trans-India service or at least not to stand in the way of some other imperial agency operating.

Sir Frank Noyce said that as a result of examination he had found that the matter had made a very considerable progress, and he hoped to make a definite statement before long.

Mr. L. A. Walsall of the Bombay Chamber of Commerce moving the resolution on trade designs said they were asking for means of a more speedy and adequate enforcement of the right already registered and recognised. The resolution was widely supported by several members and carried.

### *SECOND DAY—CALCUTTA—10th. JANUARY 1933*

On resumption of the Associated Chambers of Commerce Conference this morning, Sir E. C. Benthall moved the following resolution :—

"This association draws attention of the Government of India to the heavy burden of taxation now borne by commerce and industry of this country and records its opinion that any improvement in financial situation should be reflected in the first place by an alleviation of this burden".

Commending the resolution to the acceptance of the conference, Sir E. C. Benthall said that they in Bengal had suffered from a special disability in the shape of export duty on jute and gunnies which was levied for the benefit at present not of Bengal but of India in general. Originally it was a war tax purely for temporary purposes, but the Government's idea as to what constituted temporary purposes differed from their own. In times of prosperity probably this tax was not felt, but in desperate plight wherein industry along with many others were now immersed it could not afford to bear any burden if it were to survive.

The policy of the association was to support the policy of this country in entertaining discriminating protection so that Indian industries might not suffer but they desired to see customs duties reduced to the very minimum in the interests of trade of the world and of consumers. They also wished to see them reduced especially in the interests of the industrial consumer who in various processes of the manufacture consumed such vast amount of imports whether it be of lubricants, tea boxes, chemicals or other necessities. The Government's taxation of commerce and industry was not confined only to such major items but in several ways burden upon commerce and industry had been increased during the last 10 years to an extent which was almost incredible.

Continuing, the speaker said that everybody suffered in times like the present and they had all greatest sympathy for Government servants for cuts in their salary. But whereas their cuts were limited and tempered by concessions in the burden of income-tax, merchants and industrialists had suffered cuts of from anything upto 100 per cent. from their emoluments. They felt that it was now the time to raise their voice lest it may be said in future date that they did not complain and, therefore, it was thought that they were satisfied with the position.

In conclusion, he said that the time had come when it was essential that relief should be given or surely and slowly the victim would die of strangulation.

Mr. G. L. Winterbotham of the Bombay Chamber of Commerce welcomed the resolution as the subject had engaged the attention both of the public and the press for sometimes and said that it was difficult to believe that the Government were seriously considering the application of any funds to the betterment of the lot of the services who were paid by the tax-payer without at the same time affording at least an equivalent amount for relief to the tax-payer himself. It was pertinent to point out that if there was any betterment in the general financial situation it was



the result of an extra taxation imposed and it was equally pertinent to emphasize that services themselves had contributed nothing to the general betterment in so far as the surcharge and the income-tax was concerned. Services were not in any way the sufferers on account of the 10 per cent. cut in income as every businessman had his income reduced by more than this amount. Every employee had an additional difficulty of uncertainty of his job, while Government servants were sure of their job.

The speaker asserted that if the matter was put before the services in the non-official community they should first accept the principle that their case should not be considered apart from but in conjunction with, that of the general tax-payer. The speaker had heard it stated that no comparison could be made between the position of the services and that of the non-official community, because the former during the boom times did not get any additional income, while the businessman had it. The speaker wished to make it clear that it was not from any selfish or personal standpoint that they approached the question. The proportion of those who benefited by such business boom was very small, while those who suffered reduction in income due to the present trade depression represented something like 90 per cent. It was on behalf of this that claimed relief from taxation. He wished to say that they did not know what surprise the 1933-34 budget would contain, but they would make it abundantly clear that the most unwelcome surprise to the taxpayer would be to find that the position had so improved as to restore the 10 per cent. service cuts and not to do away with the 25 per cent. surcharge on income-tax.

He concluded by saying that probably the Government were under the obligation to redeem the pledges given to the services, but urged with earnestness that the non-official view should be put before the services who, he was sure, had it in their power to make a gesture to the rest of India which would never be forgotten.

Sir George Schuster replying said that he wanted to keep silence on the resolution as what he said might be interpreted in one way or the other as to what the Government proposed to do in the budget. But in observing silence he did not want it to be understood that some of their points were unanswerable. As far as the general case was concerned he appreciated every word so far said. But he was sure that if Sir E. C. Benthall had to fulfil the responsibilities of a Finance Member of the Government of India he would have approached the matter in the same way as he (Sir George Schuster) did. He thanked the European businessmen for the way their representatives supported the financial proposals in the Legislative Assembly. He wanted them to look at both sides of the question.

Taxation considered by itself was highly undesirable, but none of them, the speaker hoped, would ever suggest a departure from the traditions of sound finance which the Government of India had been following. Those traditions had stood them in good stead. He felt sure that they would not press for any departure from those traditions. Would they then press for reduction in expenditure on other directions, as for example, military expenditure? If so, they must face what it meant. They had already achieved a remarkable success in reducing the military expenditure and he thanked Sir E. C. Benthall for the help he had rendered in this respect as a member of the Military Retrenchment Committee. This had been possible without diminishing the fighting efficiency of the army. If they wanted further reduction it could not be achieved without affecting fighting efficiency. If they wanted that, let them say so frankly and honestly. He could not help feeling that they should not press this.

He certainly and fully appreciated that certain taxes might be criticised as being specially burdensome and hampering industry. Jute tax, for example, might be regarded as a heavy burden on the present level of prices. If they wished now to suggest that the Government in its need for revenue ought to seek alternative means which would be less hampering trade, then let them make proposals to that effect. It was not quite enough to say that they could not stand the tax any longer. They should help him with constructive proposals. The resolution was carried.

Mr. H. H. Burn of the Bengal Chamber of Commerce next moved that a statutory railway authority should be provided for in the new constitution in terms which might specify its machinery and powers while leaving control and policy with the legislature and clearly limit the right of intervention of the latter in detailed administration of railways: That the establishment of a railway authority of such a nature should be taken in hand without the least delay and if necessary a commission should be appointed at an early date for the purpose of examining the factors

regulating the control and administration and making proposals for future with particular reference to conditions which should govern them under the new constitution to the best advantage of the public, and that any such commission appointed should be small in number and should largely be recruited in India and should include representatives of commercial community and the general public. He said there could be no doubt as to the desirability of such a statutory railway authority. The committee of his chamber were of opinion that full provision should be made in the Constitution Act for a statutory railway authority specifying clearly its machinery and powers.

Mr. G. L. Winterbotham of the Bombay Chamber of Commerce in supporting the resolution associated himself with the views expressed by the mover of the resolution.

Mr. A. Duguid of the Karachi Chamber of Commerce then moved urging on the Government reduction of import duty on motor vehicles in order to give every opportunity for developing internal communication of the country. The speaker thought that anyone who had given a serious consideration to the matter would have no doubt for a moment that the internal communication of the country needed developing. The point which he wished to make clear was that the unduly heavy taxation was depriving India of the full use of even a limited road communication it possessed, because imports of motor vehicles were falling off at alarming rate.

The resolution was adopted.

Mr. E. S. Tarlton of the Bengal Chamber of Commerce moved urging the importance of avoiding any delay in undertaking railway maintenance and repair, as the railway should be in possession of efficiency to handle increased traffic when trade revival occurred. The resolution was carried.

Mr. J. M. Austin of the Bengal Chamber moved a resolution urging on the Government not to sanction any expenditure in connection with opening up and development of further railway or State collieries in view of the fact that ample coal at reasonable rates was available from privately owned collieries now existing for being developed. Mr. Austin said that it was necessary for the Government to own and control their own sources and supply of coal. During the last few years the price of Indian coal dwindled to a very low level and it might be safely said that there was no likelihood of railways for years to come being unable to buy their coal at a reasonable rate. Another factor which altered the situation considerably was the increase in the number of coal fields. The resolution was carried.

Mr. W. Robertson Taylor of the Punjab Chamber of Commerce moved a resolution urging on the Government to increase the representation of the Punjab Chamber of Commerce in the newly constituted legislature. He said that the communal award had given only one seat to commerce, industry, mining and planting interests in the Punjab Council and there was no indication as to the composition of the constituency through which election to the seat would be made. The Chamber's representation had been whittled down, while on the other hand labour which was unorganised was allotted three seats against a nominated seat enjoyed in the past. He believed that the communal problem had obscured commercial representation.

The resolution was carried. The session thereafter concluded.

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## The Bengal Chamber of Commerce

The annual general meeting of the Bengal Chamber of Commerce was held at Calcutta on the 24th. February 1933 under the presidency of *Sir E. C. Benthall*. In the course of his speech the President said :—

‘Between the present day and the date when the reforms will be introduced in the province, many months are still lying. In the ensuing months I believe, terrorism, if not stamped out, at any rate will be brought to substantial control. I believe his Majesty's Government will produce a financial settlement which will enable the province to face the future without the truly disastrous handicaps of the past and I believe the establishment of a virile economic policy will give a new hope to the people, and parties will arise amongst Hindus and Mahomedans who will tackle the problems of law and order and of progressive policy for this province’.

Comparing the business situation in India to-day with the position a little over a year ago, Sir E. Benthall said the Government had in the interim governed and demonstrated beyond doubt the power of organised authority to combat Civil Disobedience. In the adoption of strong measure at time of world-wide upheaval, the Government had done no more than all successful Governments whether western or eastern, and their action lays the future Governments of India and the provinces under a great debt because it is now ensured that they would inherit a machine which would probably be in all the better running order for having been tested under the most trying conditions.

Continuing Sir Edward Benthall said in the realm of business the conclusion of the Ottawa Agreement was one of the principal events of the year and it was satisfactory to read in the press from the Indian Trade Commissioner, London, that India's trade with Great Britain had already improved to a substantial extent during the last few months and showed every sign of further progress.

Referring to the proposed reserve bank, Sir Edward Benthall said it had been decided by his Majesty's Government that financial responsibility could not be handed over until the budgetary position of India had been assured and the normal export surplus had been restored until the short term debts hanging over the Government of India had been substantially reduced and until the reserve bank was functioning properly with adequate reserves. He warned there was a great danger in hastily creating a reserve bank with an inadequate reserve purely as an administrative machinery and without consideration, nor, was it possible to decide wisely what was the best basis to fix the exchange ratio.

Dwelling on the jute problem of the province, he said the larger interests of trade were now being examined by the Government of Bengal's jute enquiry committee but whatever the results of these deliberations if the ryot sowed and reaped too large a crop this year a position of great gravity would arise as the ability of the mills to absorb the surplus stock had already been strained to the utmost.

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## The Burma Chamber of Commerce

At the annual meeting of the Burma Chamber of Commerce held at Rangoon on the 28th. February 1933 the *Hon'ble Mr. J. B. Glass*, acting Chairman, presiding, said that last year at this time the political horizon seemed to be clearing and the former Chairman felt justified in giving expression to a sense of relief at what appeared to be a return to political realism on the part of the leaders of public opinion. Since then, conditions had been such that some degree of their confidence had been shaken, and he would be a bold prophet who ventured to make any forecast of the immediate future of Burma. They would always have irreconcilables, and no solution propounded would satisfy all shades of opinions. One could not blame Sir Samuel Hoare for confessing himself baffled regarding the meaning of the Council resolution of 22nd December last. One might hope that a solution would be found to ensure for Burma a peaceful and stable Government and the maintenance of equal rights for all living within its boundaries.

### The Governor's Speech

*H. E. the Governor*, who attended, after expressing gratefulness for the welcome extended to him to Burma and the invitation to the meeting, in the course of his speech, said that Sir Charles Innes had very wide experience in grappling with commercial problems of all kinds and had taken a prominent part in the mysterious processes of tariffs and discriminating protection. Though His Excellency was many years in Calcutta, his intercourse with commerce had been mainly on the social side, and his work lay in the direction of keeping the ring and maintaining intact the conditions necessary in the country for the existence of any trade and commerce rather than acquiring any personal knowledge of the processes of commerce.

They would, His Excellency knew, not be expecting him to discuss the political situation, whether internal or with regard to future constitutional changes if or when either the alternative of Separation or Federation was determined upon. His



Excellency entirely agreed with the Chairman that in the best interest of the country this question should be settled definitely, and finally. Whichever way the decision went, everyone—European, Burmans and Indians alike—should settle down wholeheartedly to work out the decision in the best interest of Burma, and use every effort so that the country might not be stirred up to any further ferment but might be allowed to settle down and produce an atmosphere in which alone Burma could prosper. Whether the decision for Federation or Separation there were questions of the most appalling difficulty, which they had got to try to settle for the welfare of Burma.

Referring to provincial finances, the Governor said that he was free to confess that they were causing the Government great anxiety. True economy consisted in wise spending as well as careful saving. The Chairman had instanced two cases where spending would be wise. His Excellency realised in full the shocking improvidence of crippling the police force by a high sick rate, owing to bad housing, insanitary surroundings and other preventable causes.

As regards the agricultural department, His Excellency was glad to see that the department's valuable work was better recognised in this Province than in some others. That recognition was in turn an incentive to the department to put forth even greater efforts. His Excellency agreed that in both the cases, wise spending was economy. His Excellency proceeded to say that the Government proposed to appoint an officer to scrutinise all their expenditure, but agreed that that was not going to restore their financial position.

The Chairman had mentioned the Bombay Committee's drastic recommendation and suggested that they, in Burma, should do likewise. These were far-reaching recommendations and His Excellency thought that he was right in saying that it would take a generation to realise the savings that they would eventually bring about.

Meanwhile, they had constitutional changes facing them. Before they could bring such economies into effect, power would have been transferred to other hands and it was a moot point how far they were justified in presenting them with a fait accompli. They were undertaking a tremendous experiment. Should they not be careful not to destroy the changes of the experiment by embarking upon a drastic alteration in the Government's machinery before the new and untrained administrators were firm in their saddle?

In conclusion, His Excellency said that Government were more concerned with the present financial position and they could be relied upon to put it straight.

## The Punjab Chamber of Commerce

*Mr. Robertson Taylor*, retiring Chairman of the Punjab Chamber, addressing the annual meeting of the Chamber, at New Delhi on the 10th. April 1933, said that a balanced budget was all to the good, but if exports of gold were eliminated, they would see a very different condition of affairs which was by no means healthy. India had achieved financial stability, but it had to achieve an industrial and commercial standing equal to her size, population and wealth. The harvest had been reaped in the restoration of Government credit and Budgetary conditions, but Industry remained depressed and unemployment was rife. Money was cheap and plentiful, but it was not yet finding its way into industrial undertakings, and commercial enterprise, and would not, until Government gave a lead and restored confidence.

It was time Government seriously considered what forms of public expenditure were socially desirable, in relation to the new monetary conditions and to financial stability. Capital expenditure was clearly a method of increasing the current purchasing power, as it brought into circulation idle money which did not find its way into private enterprise. The increased purchasing power, so created, would tend to stimulate a rise in prices, and so serve to hasten forward the time when industry would prosper and develop, and money would then find its way into private enterprise. Industrial development was therefore essential to the country's financial pros-

perity. Economy in expenditure, and heavy taxation, were not an end in themselves. The lightening of the burden of taxation was essential to Industrial advance and the time must come when the duty on machinery must be removed.

Mr. Robertson Taylor alluding to Labour legislation during the year recognised that the welfare of Labour was one of the primary obligations of employers and that a generous policy in respect of labour was a wise policy in respect of Industry. He however felt that it was inopportune that a time marked with such depressed conditions should have been chosen for considering legislation upon these problems.

Mr. Robertson Taylor next stressed the need for anti-dumping legislation, and urged upon the Chief Commissioner of Delhi not to lightly give heed to the suggestion for the abolition of special constituencies in municipalities, district boards, and other local bodies. He, on the other hand, wanted representation for the Chamber on the Advisory Committee of the North-Western Railway. Expressing his faith in the future of the Punjab as an Industrial Province, the speaker welcomed the opening of the Mandi Hydro-Electric Scheme, and hoped that the supply would be offered for industrial purposes on a traffic which by its terms would continuously favour the consumer who used electricity in an increasing quantity.

#### The Commissioner's Address

*Mr. J. N. G. Johnson*, Chief Commissioner, addressing the meeting regarded it a matter for pride that the country at such time could claim virtues of a balanced budget. That at any rate was a hopeful augury for the future. "We stand on the threshold of a new era and if India is so placed as to be ready and prepared to seize unhesitatingly first opportunities that offer for industrial development and improvement in trade, then, that quite as much as anything else, is likely to contribute most signally to the success and smooth working of the Reforms and the new political institutions." Mr. Johnson referred to the appeal by Mr. Robertson Taylor asking the Government to give a lead to restore confidence and launch out new capital expenditure, quoted the reply of the Government spokesman in the Council on State and the budget speech of Sir G. Schuster on the subject. The Chief Commissioner pointed out the Government's attitude was not unsympathetic but they reasonably expected businessmen to play their part in bringing to their notice and initiating suitable schemes. For the particular portion of India, (Delhi and North India), Mr. Johnson felt there was reason to believe that to some extent the tide had turned in matters of trade and disposal of produce. Judging from a study of recent Delhi figures, he said there were signs of a distinct increase in the volume of piecegoods imports and textile production as also an appreciable rise in the prices of agricultural commodities.

There was the project for an industrial area in the close neighbourhood of New Delhi. A site had been selected, but to what extent there was really a demand for this now, or was likely to be in the near future, he could not easily estimate. He appealed to the members of the Chamber to give the question their consideration and advise him on the subject. The Chief Commissioner recognised the valuable assistance which the members of the Chamber had given on the local bodies in Delhi in the past and hoped they would continue to do in the future.

In regard to the demand for representation on the Advisory Committee of the North-Western Railway, Mr. Johnson referred to the history of the case and trusted the Chamber would not feel reluctant to share their nominee with him, an arrangement which in actual fact had been found to work perfectly well in practice.

In conclusion, the Chief Commissioner referred to the Chamber's demand for representation in the coming Legislature, and trusted the White Paper proposals would enable them at any rate to state their views in the Federal Assembly of the future.

"In common with the rest of the country, the prices of Malabar produce have fallen down to an extent that has hit hard both the producer and the seller."

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## The Malabar Chamber of Commerce

*Rao Sahib U. B. Srinivasa Rao*, Vice-President of the Malabar Chamber of Commerce, in welcoming Dewan Bahadur Sir T. Vijiaraghava-chariar and delegates to the third Annual Conference of the Malabar Chamber of Commerce, held at the Shahji Han Hall, Calicut on the 17th. March 1933 said:—

"Anomalous though it may seem, stocks abound everywhere but money being scarce demand if any is scarcer. Monopoly for the sale of produce by one class of people is being sought to be crushed by unfair competition by another class of people resulting in dis-proportionately low prices of commodities and this suicidal struggle is intensified by dumping from beyond the country."

**Sir T. Vijayaraghavachariar's Address**

Rising amidst cheers, *Dewan Bahadur Sir T. V. Achariar* made a speech in the course of which he said that he was deeply sensible of the honour they have conferred upon him that day, in asking him to open their annual session. He was glad indeed for the past few years that the business interests concerned in Calicut and the district of Malabar have organised themselves into a body of this character. The more he dealt with business and commerce the more he realised the value of organised efforts on the part of business interests. A solitary voice would not effect much improvement. Organisation was therefore very important. He was glad that fact had been realised and he wished that that body would become more and more representative in character. He understood that there was a vast majority of businessmen in Calicut, and he hoped that more and more would join and take an interest in the activities of the Chamber so that representations made by them would be a representation of the commercial opinion in Malabar. They have referred in their address to the prevalent widespread depression. For the past two years this depression like echo was always with them. Whenever he went he did not escape from it. Last year when he went to Italy, a well organised country, it was very pleasing to see there the orange groves and when he went to the house of his host he found the oranges were not pluck from the trees. When he asked the reasons he was informed that due to depression there was no demand and so they instead of wasting their time in plucking and selling their fruits at a lower cost had decided to allow it to be destroyed from the trees themselves. When he went to Brazil where the price of coffee was cheap, he found the coffe-seeds used as fuel on railways, since the merchants there did not think it worthwhile to export it to other countries. In the U. S. A. cotton was used for agricultural purposes and it was used as also manure. When one considered about the question he would naturally think what was the reason.

Referring to their requests for imposition of a duty on the rice imported from Burma and Siam into the West Coast Market, Sir T. V. Achariar said that at present Burma formed a portion of India, and they had no authority to place restrictions on Burma rice. They could think about it only if Burma decided to separate from India. Coming to the question of dumping of copra into the West Market from Ceylon he said that recently the Imperial Council of Research of which he happened to be the Vice-President took up this question into consideration. In the course of their inquiry they found that special facilities have been afforded to cocoanut palm growers at Ceylon. Besides they were also engaged in research work. As a first step before making any recommendations to the Government the Imperial Council of Agriculture had decided to appoint a special Officer to study the question on the spot and make his report to the above Council. Till his report was submitted they would not be in a position to make any suggestion to the Government with regard to the levy of cess on copra imported into the West Coast Market from Ceylon.

## The S. I. Chamber of Commerce

The 23rd annual general meeting of the South India Chamber of Commerce was held at Madras on the 30th. March 1933 when the annual report and audited statement of accounts for the past year came up for adoption. *Mr. M. Jamal Mahomed Saheb*, President of the Chamber, in moving for the adoption of the Report and Accounts said :

It is customary on this occasion for the President to survey the outstanding features of the previous year's trade and industries. This task is becoming easier and easier every year as there is only the same tale of woe to repeat, perhaps in a stron-



ger language and possibly with a deeper sense of sorrow and disappointment. Three years of depression have passed and we are in the fourth year. Each year the slump continued in a more intensive form than in the preceding year and it is too early yet to say whether we have turned the corner.

For the most part of 1932 the general price level was even lower than in 1931 though a few commodities like ground-nuts and cotton showed a brief spell of firmness in the earlier months. The disparity between the smaller decline in the price index of the goods India has to buy and the greater decline in that of agricultural products which India has to sell more or less continued during the year and India therefore had another year of peculiar difficulties. The value of imports remained at almost the same level as in 1931, i. e., about 27 percent less than in 1930 and 45 per cent less than in 1929 but Indian exports recorded a further decline from Rs. 169 crores in 1931, 257 crores in 1930 and 328 crores in 1929 to 138 crores in 1932.

So far as the Madras Presidency is concerned the only commodity which improved upon the previous record in tea whose exports increased from Rs. 397 lakhs in 1931 to 458 lakhs in 1932 possibly owing to the 2d. per lb. preference in Britain introduced during the year. As though to counterbalance this unexpected prosperity in the South Indian plantations there was a tremendous fall in rubber exports from Rs. 49 lakhs to Rs. 9 lakhs. The other export commodities practically kept the level of 1931. On the whole while imports remained about the level of 1931 at Rs. 13½ crores, exports dwindled from Rs. 16½ crores to Rs. 13½ crores.

The general decline in exports faithfully reflects the growing impoverishment of the country, and if there is not a proportionate reduction in the imports or an increase in the exports it would certainly constitute an unhealthy abnormality. In the normal course of trade a country's imports of merchandise ought to be balanced and supported by its exports and in the case of India the exports have to be much more so in order to cover the Home charges and the invisible imports consisting of British commercial services which aggregate about 50 to 60 crores; unless therefore we are able to export at least 50 to 60 crores worth of goods in excess of the value of goods we import and consume, we should be deemed to run into debt or living on capital. What happened in 1932 was that the imports and exports of merchandise practically balanced and we had to find other resources than the sale of our goods to foreigners for paying the invisible imports and Home charges and we find that we actually made this payment by the export of gold to the extent of Rs. 78 crores.

The export of gold from India in normal years is practically non-existent but during the last two years it has been growing from 2 crores in 1930 to 39 crores in 1931 and 78 crores in 1932. We therefore, practically consumed foreign goods by paying for them in gold which ought to have been used in the country as productive capital, thereby giving employment to thousands of people and increasing the production and wealth of the country. There is every indication therefore, that by the maintenance of imports at this level and by paying for them in gold this country is crippling itself economically and industrially so much so that even if other countries of the world recover from the slump we shall find ourselves still in a prostrate condition. The more is the pity of this unnatural level of imports because as is evident in the case of the Indian textile mills, hosiery factories, shoe factories, etc., the imports are crippling even the existing industries compelling the closing down of mill after mill and loom after loom. Where is the end to this decline of our exports and the unrestricted consumption of foreign goods against accumulated capital unless an embargo is placed on the export of gold as every country which has gone off the gold standard has very sensibly done? Why is India alone made in this unique way to deprive herself of our gold?

The position of the agriculturists is becoming more and more precarious. The prosperity of this country as a whole depends upon the prosperity of the agriculturist. The prices of the farmer's produce continue to be on a deplorably low and uneconomic level. The ryot has still to fight very hard for keeping his head above water. Though he has, amongst other things, parted with his gold which represents his savings over many years, no relief has yet come to him in this devitalising struggle. His purchasing power has been terribly curtailed and this has its grave and serious repercussions on the other spheres of the country's economic life such as those of commerce and industry.

The present pathetic state of affairs is of course, due to world-conditions not pertaining to any one country alone. As I said before, the same world conditions still continue to have the world in their rigorous grip without showing yet any signs of relenting. Some people speak of money being cheap now a days and this might perhaps create an impression that there is more money available now. However, the real fact of it is that the world has not come in possession of more money, but what money there is has not sufficient use and demand, because of the shrunken state of trade and commerce. Hence the cheapness of money. The thing is that the depression continues unabated. If really money has increased in volume and depression decreased, they must have shown themselves in the shape of increased commodity prices. But the painful fact is there—that the prices show no tendency for improvement.

A comprehensive and permanent solution of the present difficulties can, as you know gentlemen, be found only through international means and efforts. Such international attempts at finding a solution have been, and are being, made. You all know the good results of the Lausanne Conference. But for the results of the same Conference, I think the position would have been worse than what it is to-day. However, for making the success of the Conference a conclusive and permanent one and for expanding it into the much needed greater success, the wider question of War Debts and reparation payments had to be settled once for all and to the satisfaction of all concerned. The question of War Debts is intertwined with the Disarmament problem and the latter is now being discussed among the Powers and at Geneva. Further, the World Economic Conference will soon be convened and I hope it will attack in the right, and overcome the economic ills of the world. The one result that the world now wants for its revitalisation is the increase in the commodity prices. This will of course mean the passing away of the nightmare of depression. Though one does not yet see concrete and positive signs of better times one refuses to believe that it can all be so very hopeless for much longer still. This state of affairs which is unnatural must end. The very dark gravity of the situation engenders seeds of hope and good times in that it produces for one thing, and urge for the nations to come together and to make a huge common effort to put an end to the ills which afflict all alike. The nations are coming together, though slowly. I fervently hope that by their joint and deep deliberations, they will find out, amongst other things, that the present dark troubles are traceable ultimately to the unlimited and unbridled spirit of destructive competition and that if peace and prosperity of the world are to be secure and permanent that spirit has to be restrained into harmless bounds and regulated by the adoption of the principle, "live and let live".

Apart from international efforts and search for a world-wide and permanent solution, individual countries can take measures which would bring some relief to the respective countries. Many countries that have gone off the Gold Standard, have put an embargo on the export of gold and have depreciated the exchange value of their currencies to make up for the fall in prices. They have adopted and rearranged tariff policies with a view to support their economic position against depression. Great Britain is one of the countries that have taken such measures and these steps have evidently had beneficial effects. In the words of the British Chancellor of the Exchequer, from having slipped back to the position of the third exporting country in the world, Great Britain has now once again regained her position as the first exporting country.

That is how other countries act and retrieve their position to an appreciable extent. But in India, the flight of gold is permitted without let or hindrance. Even now when the establishment of a Reserve Bank is felt and recognised to be an immediate and great necessity no steps are being taken to conserve the gold within the country. Further, this country presents the melancholy spectacle of keeping up by heroic efforts the exchange value of the rupee, thereby worsening her position and creating results contrary to her best interests. If at least, under the present extraordinary conditions, the exchange ratio had been realised from its present unnatural moorings, it would have given some welcome and much needed relief to the hard-hit agriculture and industry of the country, and would have afforded some encouragement to the export trade. If the exchange be left alone, the rate will go down from the present unnaturally buoyed up level and this will put up the commodity prices to some extent. This will bring more money to the ryot and increase his purchasing power. Would not the Government see at least now, that other countries are doing with beneficial results we have so long been asking for and adopt similar methods in the interests of this suffering country? The plea that any change in the

exchange policy would create lack of confidence abroad cannot be sustained even in appearance at present when one sees what most other countries are actually doing and with what effect.

Another direction in which the country might and ought to have had some assistance is the affording of larger protection and encouragement to the indigenous industries. The Government have indeed formulated a policy of giving protection to the industries of the country. But more active and larger assistance than is given at present is necessary for accelerating the pace of the development of industries. Taking our own province, groundnuts form the largest export of raw materials from this province and if oil crushing industry is suitably encouraged in this country, the vast number of the cultivators of this article can be more secure in the matter of marketing their produce, apart from the additional employment it will give to people.

Coming to tanning which is the largest and foremost industry of the Madras Presidency, one still finds the Government averse to supplying the long felt want of adequate protection to this industry. It is an admitted principle that as much of the raw materials as possible should be exported in manufactured rather than in raw form. For securing this very desirable end in the best interests of the country and for giving adequate protection to the tanning industry against the very powerful foreign competition which it has to meet in the leather markets abroad and in the raw hide and skin markets in our own country, the tanning industry and the commercial public of India have for many years been demanding the increase of the export duty on raw skins to 25 per cent. and that on raw hides to 20 per cent. But the Government have not given heed to this legitimate appeal made and represented several times on behalf of the premier industry of this province. At one time, the Commerce Member of the Government of India seemed to think that at least the case of our raw goat skins was strong but no relief has been given even in this restricted case. One can find no justification for this indifference on the part of the Government particularly when one bears in mind that the increase in the duty will in addition to giving protection to the industry bring in an appreciable amount of revenue to the Government at a time when they are in great need of more revenue. Will it be too much to hope that the Government will satisfy this legitimate demand at least at present when this industry because of its peculiar circumstances is particularly hit hard by the depression?

It is a great pity that while discarding such sources of revenues as would assist the industrial development of the country and at the same time give a considerable amount of income to the Government they should keep up the Income-tax and Super-tax at the present high level. The present rates of these taxes and the surcharges are working as a handicap and discouragement to the commerce and industry of the country and it is indeed highly necessary that the surcharge should be cancelled and the rates of the Income and Super taxes be substantially lowered for affording relief and giving a fillip to the commerce and industry of the country where economic development is still comparatively at a very low level.....

These are indeed old arguments, but they are still true and only gather more force and cogency as time goes on.

One of the most important events of the year is the Ottawa Agreement. Here they have departed from their long established traditional policy of having no imperial preference. The Government frequently does not do the right thing and so also in this case. The right thing was to have taken the people into the Government's confidence in the matter of choosing the Indian delegates to the Ottawa Conference. This is a country where the industrial and economic development is much below the mark and so it cannot readily afford to be linked with an industrially powerful country on the same footing. Again, she has important export trade relations with many countries. Hence the great anxiety of the people in this connection. Anyhow, the Agreement has been ratified by the Assembly and has been in operation now for sometime; but we do not yet see signs indicating any better tone or confidence coming into the trade of the country.

You would expect me gentlemen, to say something on the White Paper containing His Majesty's Government's proposals for the future constitution of India. All sections of the people of this country have now expressed their views on this document. Many features of the White Paper including the too comprehensive nature of the safeguards in general, those relating to finance in particular, the extraordinary powers of the Governor-General and the Governors, the recruitment and control of the services by the Secretary of State, setting up of a separate statutory railway board, the



conditions fixed for ushering in the federation etc., are found unsatisfactory and keenly disappointing. All schools of thought are unanimous in pronouncing the proposals as unsatisfactory, and as falling much short to the practicable aspirations of the people. One would earnestly point out the powers that be that it is not well to allow discontent to grow any more, but that it should be mollified by meeting the cherished and legitimate wish of the people. I strongly hope that there is yet time and opportunity for making such alterations as will answer the aspirations of the people. One would suggest that points that are most common in the views expressed by the various sections of the people may be given effect to. Anyway, I fervently implore that suspicion or mistrust should find not even a lurking place in connection with this supremely important matter and that goodwill and confidence should be the guiding factors on all sides.

Before I conclude I wish to refer to another important matter. Some days ago we heard something about an expulsion order served on certain Nattukottai Chettians in Indo-China. The Chamber has made a representation on the matter. I hope there is some mistake somewhere. If it is no mistake, then it is a case of another country refusing ordinary human rights to Indians. If an Indian is sought to be expelled from a country for executing through that country's own legal agency a decree that was given by the court of that very country, it is simply inconceivable. If such an action is allowed to pass unheeded, then one does not know what other treatment an Indian cannot expect. I earnestly hope that the Government of India will be pleased to look closely into this matter and take immediate and necessary steps to secure all fair and legitimate protection to the Indians concerned.

In conclusion, I desire to thank you, all, gentlemen, for your willing co-operation in the work of the Chamber. The Chamber owes a deep debt of gratitude to the members of the Executive Committee, the various Sub-Committees and the representatives on public bodies for their good work which is reflected in the increased activities of the Chamber and the team work and co-operation of the affiliated Chambers and Associations. My warm thanks are also due to the Honorary Secretaries, the Assistant Secretary and the staff who have stood the strain of increasing responsibilities remarkably well and in an uncomplaining manner.

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## The Burma Indian Chamber of Commerce

The eighth annual general meeting of the Burma Indian Chamber of Commerce was held at Rangoon on the 10th. May 1933 in the office of the Chamber with Mr. Virjeebhai Dahya, president of the Chamber, in the chair. In the course of his speech Mr. Dahya said :—

‘Let me at the outset say that we rejoice with the rest of our country-men at the release of Mahatma Gandhi on the eve of his great *tapasya*. I fervently hope that Mahatmaji's political gesture will be interpreted by the Government in the spirit in which it is made.

‘I should like to take this opportunity of extending a cordial welcome, on behalf of the Indian mercantile community of Burma, to His Excellency Sir Hugh Stephenson, who recently assumed the high office of Governor of this province.

‘It gives me pain to have to refer to the heavy loss sustained by the people in Burma in general and by the Indian mercantile community in particular in the death of that well-known philanthropist and merchant prince Dr. P. J. Mehta, who was a prominent member of the Chamber.

‘Your committee addressed the local Government with regard to the representation of the Chamber on the council of the University of Rangoon. We are sorry that the local Government has turned down the request of the Chamber almost unceremoniously, more particularly because Indian mercantile community have liberally contributed towards the funds of the University. The Chamber is thankful to the local Government for allotting two seats to it. I must emphasise once more that the representation of Indian commercial interests is entirely inadequate. This has been repeatedly pointed out to the local Government but without effect. In regard to representation on the municipal corporation and the Rangoon Development Trust, the position has remained unchanged.”

Referring to the mail contract the speaker said :—‘I must express the feeling of surprise of the public at the retrograde proposals of the local Government to curtail some of the existing services and to reduce the speed of the boats plying between Burma and the Indian ports. The object of those proposals is to effect economy but I dare say this is the last place where the axe can be applied with justification whilst there is yet scope for retrenchment in other directions. Your committee have strenuously opposed those proposals and urged that the existing services must be maintained without any reduction in speed. Your committee have further suggested that the mail contract should preferably be given to Indian companies wherever it is possible to do, i.e., on the Rangoon-Chittagong coast runs.’

Dealing with the political situation the president said :—‘The political and economic conditions in India including Burma are still overshadowed with deep discontent and depression almost bordering on despair. Coming to Burma we find that the question of the future political status is still undecided. The special December session of the Burma Legislative Council passed a resolution which was interpreted by his Majesty’s Government as vague and definite instead of a straight reply to the straight question as to whether Burma wished to be separated on the basis of the constitution outlined by the Prime Minister or to federate with India. Consequently another special session of the Council had to be convened with a view to give one more opportunity to the Council to give a direct reply which concluded on last Saturday. But this time also the Council session has led nowhere. As you are aware no resolution was adopted and the only one resolution which was debated upon was talked out. It now rests with his Majesty’s Government to decide as to what the future political status of this province should be justified in assuming that the decision could not be otherwise than the maintenance of the *status quo*.

‘The viewpoint of a businessman is naturally that of the financial consequences of separation, and, I am afraid, this aspect has not been placed before the public in its proper perspective. The note recently published by the Government of Burma at the request of the Burma Chamber of Commerce is indefinite in its conclusions and one could hardly expect even the Government to place before the public definite conclusions. This note estimates a gross gain to Burma of three crores in the event of separation, but several deductions must be made before the net gain can be arrived at. First of all, there will have to be a provision for the repayment of Burma’s share of the public debt to the extent of one crore annually till it is wiped off; secondly the interest of 5.57 crores according to the Government figures—although the latest figures would raise Burma’s share to 8 crores—will have to be met; and thirdly for a number of years pensionary charges will have to be met from the Burma revenue absorbing another 70 lakhs. This certainly does not leave very much as a net gain. I am leaving off the over-estimate in customs duties which might amount to 50 lakhs, nor do I make any allowance for increased administrative charges and money required for internal defence. On the other hand, I should like to point out that in the event of Federation, the province will in any case enjoy the assignment of a part of excise duties, export duty on rice and personal income-tax. I will not venture to fix this assignment on any percentage basis as has been attempted by some people but in any case such assignment will appreciably add to Burma’s provincial revenues. The ratio of assignment can be fought out and improved upon. Financially therefore in separation I do not see there is any very attractive proposition before us.

“Whatever the future status, that may ultimately be decided upon, the one essential fact must always be kept in view by the Government as well as the people that the relations between India and Burma must be preserved on a friendly basis both in the interests of Burma and India—and if I am permitted to add—more so in the interests of Burma. Suggestions have been made from time to time in the press in public meetings, and also in the Legislative Council that India is more dependent upon Burma than Burma is on India and rice and petroleum products are cited in support of this statement. India imports about one million tons of rice from Burma and it is argued that India is thus dependent on Burma. This million ton forms about 4 per cent. of the total rice production of India without Burma; and should any disabilities arise I am sure India can easily afford to do without imports from Burma as this shortage can without the least difficulty be made up by augmenting her own production or by imports from outside. But to Burma the loss of the Indian market would mean nothing short of a calamity in as much as the quantity shipped to India from Burma represents one third of her exportable surplus. As regards

petroleum products I need scarcely point out that India consumes the entire surplus production of Burma and is the only market for them. There is not the slightest apprehension of India being placed at the least disadvantage without the petroleum products of Burma, for the world production of petroleum far exceeds the consumption with the result that there is a keen competition between the different producing countries in the consuming markets. The need for preserving friendly relations between the two countries—more particularly economic relations—was never more pressing than at present when all the countries of the world are undergoing a period of acute trade depression and are devising all possible means by way of tariffs, exchange manipulations, etc., with the one object of expanding their export trade.

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## The Bengal National Chamber of Commerce

Presiding over the annual general meeting of the Bengal National Chamber of Commerce held at Calcutta on the 4th. March 1933, *Mr. Nalini Ranjan Sarkar*, the President, surveyed the events of last year at length. The most remarkable contribution of 1932 towards economic reconstruction, he said, was the recent attempt of some nations to solve their peculiar problems by at least partially cutting themselves from world influences. Another outstanding event of the year was the complete reversal of England's traditional fiscal policy by the enactment of a schedule of protective tariffs. The tariff policy of India also underwent a fundamental change during the year as a result of the Ottawa Agreement.

Speaking of the Reserve Bank, Mr. Sarkar believed that India's reserves were ample, and her general financial and economic conditions were not such as to forbid its establishment, and successful working. He stressed that if a Reserve Bank was established, it must be endowed with all the ordinary functions of similar institutions in other advanced countries. Control of credit, currency and exchange should unreservedly be transferred to the Reserve Bank.

Referring to the financial condition of the country, Mr. Sarkar said that after three long years of budget disequilibrium, monetary disturbances, exchange difficulties, dear money and uncertainties, he was glad the Government were being gradually freed from longstanding embarrassment. But it would be a serious mistake to record Government's happier position as a reflection of the country's economic condition.

### Observation in Annual Report

That the tradition of maintaining a healthy interest in political questions with a definite bearing on trade and commerce, has been observed by it throughout last year, is the claim put forward by the Bengal National Chamber, whose annual report as summarised by the "Hindu" was published in it on the 20th. April 1933. The report, which is a bulky volume of 454 pages, gives a succinct account of the various activities of the Chamber during 1932.

The Chamber claims to have made clear to the authorities the undesirable effect of the Ordinances in the daily conduct of business but adds that the policy of the Government was too well set and the "Chamber has still to wait for the time when its counsels will exercise their deserved influence on the policy of the Government".

The report states that the question of the allocation of seats reserved for Commerce to the various commercial bodies engaged its attention. It urged upon the authorities that the number of seats allotted to Indian Commerce being disproportionately small, no commercial opinion other than that of businessmen domiciled in this province and identified with the economic interests of Bengal was entitled to be represented by those seats. The Chamber also advanced the plea that the allocation of seats, either on sectional or communal basis, would be "prejudicial to the harmonious and healthy development of Bengal's economic life. Recognising the undue preponderance of outsiders in the commercial life of Bengal and the danger of giving them more power and influence, the Chamber favoured the allotment of all the seats to the indigenous interests of the province".

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existence of the League should not be dreaded, but welcomed. Mr. Yamin Khan pressed the same objection, but was called to order by the majority of the House and realising that the sense of the House was in support of the position taken by me, Sir M. Yakub appealed to the House to proceed with the business and not to waste their time and energy on a minor issue. This question having been definitely settled, the question of the amalgamation of the League and the conference was taken up.

"Sir M. Yakub proposed the amalgamation of the league with the conference under the name of 'The Muslim League Conference', and moved the very resolution which the Executive Board of the All-India Muslim Conference had adopted. This gave rise to a very hot discussion. The proposal of Sir M. Yakub was assailed from all quarters. Mr. Shah Maswood and Mr. Abdulla, Vice-President, Delhi Municipality and Joint Secretary, All-India Muslim League, and Mr. Abdul Matin Choudhury pointed that the proposal was beyond the powers of the council to consider, as it virtually suggested dissolution of the League. On the merits also of the proposal, the majority of the House was of a determined mind. Malik Barkat Ali, Advocate, Lahore, referred to the past history of the Muslim League, and said that the League had behind it a tradition of thirty years' splendid service to the Muslim community and notwithstanding its present moribund condition, due to the fact that a man like Sir M. Yakub was its secretary, deserved to be supported and maintained. The League was the supreme political organisation of the Muslims and, if it was in a bad way, the remedy was not to end it, but to restore it to its original position by admitting into it strong independent Muslim thought, which Sir M. Yakub and his clique had managed to keep out by one pretence or another. The secretariat of the League should be overhauled completely.

"The speech produced a very marked effect on the House and it was obvious that Sir M. Yakub's resolution had little support. Mr. Shah Maswood followed in the same strain and pointed out that the All-India Muslim Conference was a temporary institution and should be dissolved. Just about this time, Sir M. Yakub moved the adjournment of the House for lunch and prayers. I adjourned the House for one hour.

"At 3 the Council met again. Sir M. Yakub's clique who apparently meanwhile hatched a plot to create disorder wanted the Pressmen to clear out. The sober element of the House disapproved of this conduct and wanted the proceedings to continue. Sir M. Yakub and his clique walked out headed by Sir Feroze Khan Noon, whose request to clear the Pressmen out of the room I had turned down at the first sitting. The proceedings then continued calmly. Mr. Abdul Matin Chowdhury moved formally that the Council of the League disapproved of the proposal to amalgamate the League and the Conference. The House was on the point of passing the resolution, when it was moved that the House do adjourn in order to enable the members who had walked out to retrace the wrong step they had taken. While this proposal was being discussed, the clique walked in again. With the unanimous consent of the House, I adjourned the meeting of the council to Sunday 11 a. m. at the office of the League in Ballimaran, Delhi. This considerably upset Sir M. Yakub and his clique. Mr. Yamin Khan occupied the chair. I just vacated and wanted to hold a meeting. This created quite an uproar and a feeling of resentment. Some one removed the chair on which Mr. Yamin Khan was trying to sit, with the result that he fell flat on the ground. On this, Captain Sher Mahomed Khan attacked Mr. Abdulla. This was too much, and some one in the House hurled a chair at him, and a number of fist-blows descended on him. But for the patience and tact of myself and other members of the council, the result would have been serious bloodshed.

"These are the facts. Let the public judge for themselves. I understand that after I left the room and the meeting had been adjourned, the clique of Sir M. Yakub held a meeting, Mr. Yamin Khan presiding, at which resolutions expressing confidence in Sir M. Yakub and no-confidence in me were moved and passed. The resolutions were passed as if at a meeting of the League. Nawabzada Liaqat Ali Khan, Deputy President. U. P. Council, voiced his protest against this unconstitutional high-handed action, declaring that he in conscience could not call this a meeting of the League, as the League meeting had been formally and, with the consent of the House, adjourned by its constitutional President, viz., myself.

"I am really very sorry for this pitiful exhibition of impotent rage of Sir M. Yakub and his clique at the defeat of their original plan. Sir M. Yakub originally told the House that he was ready with his resignation and it would have been much

more graceful if he had made an exit in a quiet manner. But, obviously, Sir Feroze Khan Noon, who had been slighted in the morning, wanted to stage a demonstration to wash his hands of the League, which he in conjunction with Sir M. Yakub had so badly exploited."

### League's Adjourned Meeting—New Delhi, 12th. March 1933

The adjourned meeting of the Council of the Moslem League was held at New Delhi on the 12th March 1933 under the presidency of *Mr. Abdul Aziz*, Barrister-at-Law, Peshawar. About twenty members were present, among them being Sir Mahomed Iqbal, Sir Mahomed Yakub, Sir Syed Murtaza Sahib, Captain Sher Mahomed Khan, Moulvi Shafi Daudi, Mr. Abdul Matin Chaudhuri, Mufti Mahomed Sadique, Maulana Mazharuddin, Mr. S. M. Abdulla, Haji Rashid Ahmed, Shah Maswood Ahmed and Nawabzada Khurshid Ali Khan.

At the outset, the *President* gave his reasons for his ruling on Sir Mahomed Yakub's resolution at the last meeting for amalgamating the Moslem League with the Moslem Conference, upholding Mr. Shah Maswood Ahmed's objection thereto. He maintained that the Council was in no case competent to consider a resolution which might mean the actual or virtual dissolution of the League.

*Sir Mahomed Yakub* then expressed regret at what had happened at the last meeting, and stressed the supreme need for co-operation and goodwill among all sections of the House. Sir Mahomed also informed the House that he had received a letter signed by fourteen members of the Council to move a vote of censure on the President, but he expressed his unwillingness to bring the matter in for discussion, as their differences had been only recently patched up, and he did not desire to revive feelings of animosity. He withdrew his resolution for the amalgamation of the League and the Conference and asked the House to defer its consideration to a later date. Sir Mahomed then proposed that a Joint Conference of the Moslem League, the Moslem Conference and the Working Committee of the Jamiat-ul-Ulema, Cawnpore be held to consider the White Paper and that a sub-committee consisting of Messrs. S. M. Abdulla, Mirza Ahmed Sayed and Haji Rashid Ahmed be formed to carry on negotiations with the Moslem Conference and the Jamiat, Cawnpore, to fix the date and place for the Conference.

The *President* refused to allow discussion on the resolution on the ground that the item for a joint conference did not figure on the agenda for the day, and suggested that discussion on the political situation should take place at the next meeting of the Council, but the discussion went on.

*Mr. Maswood Ahmad* was for postponing consideration of the question sine die.

*Captain Sher Mahomed Khan* and *Mufti Mahomed Sadique* emphasised the imperative importance of holding a joint conference with which *Sir Mahomed Iqbal* expressed himself in complete agreement.

*Mr. Maswood Ahmad* wanted to know whether, besides the three mentioned above, other Moslem political organisations would be invited to participate in the joint conference and express their opinion on the White Paper.

Though discussion was going on, the *President* still persisted in his view holding that consideration of the political situation and the issues likely to be raised by the White Paper should be included in the agenda for the next meeting, but he eventually yielded to pressure exerted on him from all sections of the House, to allow the discussion to continue.

*Mr. Abdul Matin* moved an amendment to Sir Mahomed Yakub's resolution that invitations be issued to other moslem political organisations, such as, the Khilafat Committee, the Majilis Ahrar, the Nationalist Moslem Association, the Jamiat-ul-Ulema, Delhi.

*Mr. Maswood*, supporting the amendment, said that Moslems of all shades of opinion should be represented at the joint conference.

*Mr. Rashid Ahmed* and *S. M. Abdulla* opposed the amendment.

*Mr. Rashid Ahmed* observed that only those organisations could be invited to the joint conference whose creed was in common with that of the Moslem League i.e., attainment of Dominion Status by constitutional means. As the Nationalist Moslems and Ahrars had passed resolutions in favour of Civil Disobedience, it was obvious that they did not see eye to eye with the members of the League and therefore they could not be invited to participate in the joint conference.

*Mr. Abdulla* observed that they could not invite those whose aims and ideals were not identical with those of the League and the Conference.

# THE MUSLIM CONFERENCES

## Muslim Conference Executive Board

A meeting of the Executive Board of the All-India Moslem Conference was held in the Western Hostel, New Delhi on the 5th. March 1933 under the presidentship of *Sir Mahomed Iqbal*. About 50 members attended the meeting, including Messrs. Syed Abdul Azeez, S. M. Padsha, Hussain Imam and Mahomed Suhrawardy, members of the Council of State; Messrs. Masood Ahmed, Ismail Ali Khan, Captain Sher Mahomed Khan, Mahomed Yamin Khan, Mahomed Muazzam Sahib, Sir Mahomed Yakub, Haji Abdul Haroon, Haji Wajihuddin, Mahomed Sadique, K. Uppl Sahab Bahadur, Dr. Ziauddin, Mahomed Ibrahim Ali Khan, A. H. Ghuznavi, Mahomed Anwarul Azeem and Shafi Daudi, members of the Legislative Assembly; Nawab Sir Mahomed Yusuf, Malik Sir Feroze Khan Noon, Dr. Shafaat Ahmed Khan, Hafiz Hidayat Hussain, Abdus Samad, Syed Zakir Ali, S. M. Habib, Maulana Mazharuddin, Zahur Ahmed, Abdul Jabbar, M. L. C., Ghuznafarullah M. L. C., Mufti Mahomed Sadiq (Qadian), Major Sir Hissamuddin Khan and the Raja Sahab of Salempore.

The question of the amalgamation of the All-India Moslem League with the Muslim Conference was discussed.

It was understood that Sir Mahomed Yakub and Mr. Shafi Daudi expressed their willingness to resign secretaryships of the respective organisations for the object of effecting unification.

*Syed Habib Shah* (Lahore) opposed amalgamation on the ground that the existence of both of the organisations was necessary for the welfare and political advancement of the country.

Excitement and confusion marked the proceedings of the Council of the Moslem League. The President, *Mr. Abdul Aziz*, Barrister, admitted the Press to the proceedings before lunch, when the Associated Press representative attended. There were some protests against the Press being admitted, but the general sense of the House prevailed in favour of the Chairman's ruling.

After lunch when the Council reassembled and the Free Press reporter joined the Press table, *Sir Mahomed Yakub* raised the point whether the Press should be allowed to continue to report the proceedings. The President said that his ruling had been already given. Thereupon, confusion and uproar occurred, and a number of members staged a walk-out.

## Meeting of the Muslim League Council

The meeting of the Council of the Muslim League was held in the Western Hostel immediately after the adjournment of the meeting of the Executive Board of the Moslem Conference.

Attendance was the same as at the meeting of the Executive Board.

*Sir Mahomed Yakub*, moving the resolution for the amalgamation of the two bodies, proposed that a joint committee be appointed to draft the constitution for the joint organisation. He gave detailed history of the efforts made from time to time for the amalgamation of the two premier organisations of the Moslems with identical aims and objects, and stressed the need for effecting it with the minimum delay.

*Mufti Mahomed Sadiq* of Qadian seconded the resolution.

*Mr. Masood Ahmed* M. L. A., wanted a ruling from the chair, on the point whether the Council was competent to consider the question of amalgamation.



*Captain Sher Mahomed Khan* M. L. A. thought that the Sub-Committee appointed at the last meeting of the Executive Board to consider the question could legitimately arrive at a decision for amalgamation, as it was composed of members of both the organisations.

*Mr. Yamin Khan*, M. L. A., said that the Council could within the limits of the constitution, decide the question.

*Mr. S. M. Abdullah*, Joint Secretary of the League, strongly opposed the proposal. He said that the efforts made by the members of the League were treated with scant respect by the Moslem Conference. He feared that the whole idea behind the suggestion were to erase the name of the League.

*Seth Abdulla Haroon*, M. L. A., thought that the question should be dropped, if it was likely to create ill-feeling among those present. He asserted that he himself did not want to do away with the League, and pleaded that the question should not be decided by vote.

*Malik Barkat Ali*, of the Punjab, declared that the League's services to the Moslem community could not be surpassed by those of any other similar organisation. He admitted that the League had been more or less a dead body for some time past, but it did not follow that it should be wiped out of existence. On the other hand, it should be given a new lease of life. He said that the Moslem Conference was the product of an emergency which had passed or was rapidly passing away, and he invited its members to come into the fold of the League and thought that it was a political crime to sign its death-warrant.

The meeting at this stage adjourned for lunch.

After a few minutes, those who walked out of the Moslem League meeting returned, and a quarter of an hour was spent in arguments. This led to further confusion and hot words were exchanged, whereupon *Mr. Abdul Aziz*, President, adjourned the meeting to next Sunday (12th.). This was accepted by a section of the House, while others loudly protested and put *Mr. Yamin Khan* in the chair, but the chair was pushed and he was thrown on the ground. *Captain Sher Mahomed Khan* and *Khan Sahib S. M. Abdullah* came to blows. When sticks and chairs were raised, peace-makers intervened, and further fight was stopped.

*Syed Habib's* objection being ruled out, the meeting passed a vote of confidence in the Secretary, *Sir Mahomed Yakub*, and of censure against the President. *Mr. Abdul Aziz*, and adjourned *sine die*.

#### Text of the Resolution

The following is the full text of the resolution passed by the majority at the meeting of the Executive Board of the All-India Muslim Conference:—

"In view of the fact that the objects of the All-India Muslim Conference and the All-India Muslim League are identical, this meeting of the Executive Board of the All-India Muslim Conference, approves of the proposed amalgamation of the two organisations, and further proposes that a joint committee be appointed to draft a constitution for the joint organisation, and that this meeting of the Executive Board of the All-India Muslim Conference, resolves that a joint meeting of the Executive Board of the All-India Muslim Conference and the Council of the All-India Muslim League should be held to consider the programme and action to be taken for holding a session of the joint organisation."

#### Mr. Abdul Aziz's Statement

*Mr. Abdul Aziz*, President of the All-India Muslim League, issued the following statement:—

"A meeting of the Council of the All-India Muslim League was held on the 5th instant at the Western Hostel, New Delhi, at about 12-30 P. M. The delay of half an hour in holding the meeting was due to the Executive of the conference not finishing the deliberations by twelve noon. When the meeting started, I took the chair. In view of the importance of the question to be considered, namely, the proposed amalgamation of the All-India Muslim League and the All-India Muslim Conference, I had allowed representatives of the Press to be present during the proceedings. *Sir Yakub* took objection to the presence of pressmen in the room. I overruled the objection. Upon this, *Sir Feroze Khan Noon* repeated the same objection. I again overruled the objection, and made it clear in the course of my speech that the co-operation of the Press in a matter of this character affecting the very life and

The amendment was put to vote and rejected by 10 votes to 7 and Sir Mahomed Yakub's resolution was carried.

The meeting decided that the next annual session of the League should be held in Delhi on the 29th and 30th April, and also passed a resolution requesting Mr. Jinnah to come over to India and give a lead to Moslems in these critical times.

The *President* then read a statement from *Syed Mahomed Jafri* raising a technical objection to Sir Mahomed Yakub continuing to act as Secretary of the League, on the ground that he was not duly elected when Dr. Kitchlew severed his connection with the League as its Secretary.

The President gave a ruling upholding Mr. Jafri's objection, declaring that the office of Secretary was vacant, and hurriedly dispersed the meeting, without allowing any discussion on the question.

This action of the President, which was characterised as arbitrary, resulted in unanimous resentment and provoked a storm of protest and indignation and he was repeatedly asked to resign. Those present immediately formed themselves into an informal meeting with *Syed Murtaza Sahib* in the chair.

*Mr. Yamin Khan* moved the following resolution, which was seconded by *Nawabzada Khursed Ali Khan* and unanimously adopted after a dozen lengthy speeches had been made on it condemning the action: "This informal meeting of the League Council expresses its full confidence in Sir Mahomed Yakub and strongly condemns the arbitrary action of Mr. Abdul Aziz in giving his ruling on Mr. Jafri's objection, and thereafter dissolving the meeting, without giving an opportunity to the Council to discuss the subject or asking for any explanation from Sir Mahomed Yakub."

Sir Mahomed Yakub informed the House that in deference to the ruling of the President, he would cease to act as Secretary. Mr. S. M. Abdulla, Joint Secretary, would act as Secretary.

### League's Emergency Meeting Declared Unlawful

NEW DELHI—28th. MAY 1933

A meeting of the Council of the Moslem League was held at New Delhi on the 28th. May 1933. *Mr. Abdul Aziz* took the chair and among those present were Haji Rashid Ahmed, Mr. S. M. Abdulla, Mr. Mahomed Sadiq Multani, Mr. Mahomed Shah Beg, Mr. Aziz Ali Khan, Mirza Mahomed Saeed, Mr. Habibur Rahman, Mr. Mahomed Jafree, the Imam Sahib of the Jumma Masjid, Mr. Mazhuruddin, Malik Barkat Ali and Nawab Ali Syeed.

At the outset, a condolence resolution was passed unanimously on the death of Sir Zulfikar Ali Khan, former Vice-President of the League.

*Malik Barkat Ali* then invited a ruling from the chair as to the validity of the officiating Secretary's action in calling an emergent meeting of the Council.

*Mr. Abdul Aziz* held that the circumstances under which the officiating Assistant Secretary Mirza Mahomed Saeed, had been made officiating Secretary were such as did not give him *locus standi* to call a meeting.

Both *Messrs Rasid Ahmed* and *Abdullah* asked the President to declare the meeting unconstitutional and walk out before anything unpleasant happened.

*Mr. Abdullah* observed that *Mr. Abdul Aziz* was inspired by motives of "self-interest" in his persistency to remain President, despite almost universal opposition, and had issued to the Press "false statements."

*Mr. Mazharuddin* contended that if the ruling of the President in removing Sir Mahomed Yakub from the secretaryship was unconstitutional the present action of the Secretary in calling the meeting could not be constitutional as the Secretary derived his authority from the same ruling.

At this stage, the President was pushed out of the chair and *Khan Sahib Haji Rasid Ahmed* was installed in his place.

*Malik Barkat Ali* asked *Mr. Abdul Aziz* whether the meeting was any longer constitutional, whereupon, the latter declared it to be unconstitutional and walked out accompanied by Malik Barkat Ali.

After *Mr. Abdul Aziz* and Malik Barkat Ali had walked out, those present with *Mr. Rashid Ahmed* in the chair passed six resolutions.

The first resolution characterised as misleading and incorrect the statement issued by *Mr. Abdul Aziz* regarding the holding of the next session of the League, and reiterated that the annual session of the League should be held as early as possible.

The second resolution approved of the Moslem leaders' manifesto regarding the strengthening of the League, and appointed a sub-committee to consider the financial condition of the League and raise subscriptions if necessary.

The third resolution passed a vote of censure on Mr. Abdul Aziz and removed him from office, and declared the presidentship of the League to be vacant.

The fourth resolution approved of the action of the officiating Secretary, in calling the meeting and expressed its full confidence in the officiating Secretary and the Assistant Secretary.

The fifth resolution disapproved of the Haj Pilgrims Bill, and pleaded for its withdrawal.

The last resolution considered it unnecessary, in view of the Council having expressed its opinion previous, to give evidence before the Joint Select Committee at the present stage, and viewed with grave concern the British Government's attitude in inviting fresh evidence.

Four members of the League were authorised to communicate with the Joint Parliamentary Select Committee in London on the subject, and arrange for proper representation of Moslem demands.

#### Mr. Abdul Aziz's Statement

*Mr. Abdul Aziz*, President of the All-India Moslem League, interviewed said:—

The "emergency" meeting was held to-day under my presidentship and was declared by me illegal, inasmuch as Mr. Mahomed Saeed, Acting Joint Secretary had no authority to call an emergency meeting himself. Under the constitution of the League, it is the Honorary Secretary who can call an emergency meeting. Mr. Saeed had never been elected Secretary. The Secretary of the League can only be elected at the annual meeting of the League and when one such is elected, a casual vacancy arising out of his resignation or death or some other cause can be filled up only by the Council. In the present case, the actual meeting of the League was held in December 1931 at Delhi. No Secretary was elected. It was on the score of this that I declared in the last meeting, that the League had no Secretary, and respecting this ruling, Sir Mahomed Yakub stated that he ceased to be Secretary. This objection was actually raised in the meeting of the League to-day by Malik Barkat Ali. There was no answer to this objection, except abuse and threats of violence by a local clique numbering ten or twelve. Upholding this objection, the meeting was declared by me to be illegal. The local clique then held another meeting, but obviously any proceedings of that meeting can have no value.

"I continue to be the President of the League. But I must state that unless the Moslem public of Delhi wakes up to a sense of responsibility in the matter, and wrests this old institution from the hands of this clique, I shall have seriously to consider the question of my completely severing all connection with a body, the members of which believe only in violence and vulgar abuse".

## Muslim Conference Executive Board

NEW DELHI—26th. MARCH 1933

A meeting of the Executive Board of the Muslim Conference was held in Western Hostel, New Delhi, on the 26th. March 1933 under the presidency of *Sir M. Iqbal*. About forty members were present, including Dr. Shafaat Ahmed, Mr. S. M. Padshah, Mr. Mahomed Moazzam Sahib, Mr. Rahimtoola M. Chinoy, Nawab Ibrahim Ali Khan, Kunwar Ismail Ali Khan, Mr. Hussain Imam, Mr. Mahomed Suhrawardy, Mr. Yamin Khan, Mian Shah Nawaz, Mr. Abdulla Yusuf Ali, Haji Abdulla Haroon, Mr. A. H. Ghuznavi, Haji Rashid Ahmed, Captain Sher Mahomed Khan and K. B. Haji Rahim Bux. The agenda included consideration of the White Paper and the election of the President for the next session of the conference.

#### Resolutions on White Paper

A series of resolutions were passed before the meeting adjourned for lunch. The following is the text of the resolutions:—



"This meeting of the Executive Board of the All-India Muslim Conference expresses its profound disappointment with the scheme of Reforms outlined in the White Paper. In the opinion of the Board, the said scheme fails to meet the demand of the Muslim community as embodied in the various resolutions of the All-India Muslim Conference. In view of the extreme dissatisfaction of the Muslim community with the proposals of His Majesty's Government, the Board demand radical changes on the following lines:

- (a) The provinces should be granted the largest measure of fiscal, administrative and legislative autonomy ;
- (b) The Governor's powers are excessive and should be severely curtailed ;
- (c) Ministers should be fully responsible to the legislature, and should hold office only as long as they enjoy the confidence of the House ;
- (d) Provincial Governments should have effective control over the Imperial Services and complete control over the provincial and other services ;
- (e) The powers of the Governor-General should be curtailed ;
- (f) "High Courts" should be an exclusively provincial subject. The appointments of High Court Judges should be made by His Majesty on the recommendation of the Provincial Governors. The provincial Legislatures, and not the Federal Legislature should regulate the power of superintendence exercised by the High Court over subordinate courts in the province.
- (g) No weightage or other privileges should be given to the State ;
- (h) Fundamental safeguards for the protection of the personal law, education and culture of the Muslims should be incorporated in the constitution ;
- (i) Provision should be made for effective representation of Muslims in the public services and the army, and immediate steps should be taken to Indianise the army ;
- (j) As Muslims claim one-third representation in the Upper Chamber of the Federal Legislature and have been definitely promised one-third of the British Indian share of the seats and cannot see any effective way of securing a sufficient number of seats among the representatives of the States to make up their proportion to one-third of the whole House, it is their considered opinion that a slightly increased proportion over one-third of the British Indian share is essential. Muslims further disapprove of the principle of joint electorate in the elections to the Upper House of the Federal Legislature, and are for separate electorates with direct elections ;
- (k) A substantial measure of reform should be immediately introduced in Baluchistan ;
- (l) One seat allotted to Delhi in the Upper Chamber should go to Muslims and non-Muslims by rotation ;
- (m) The population of Delhi and Ajmer being equal, Ajmer should have the same measure of representation in both the Houses of the Federal Legislature as Delhi, such representation to be regulated by the same principle as in Delhi, and when represented by a Muslim the other should be represented by a non-Muslim in the Upper Chamber and vice versa ;
- (n) Inasmuch as His Majesty's Government's decision promised to give the Muslims of Bihar and Orissa 42 seats out of 175, i.e., 24 per cent of the whole House, by separate electorate, the proportion thus fixed should on no account be changed, and seats be so allotted to Muslims in the province in both the provincial legislatures that the total proportion of 24 per cent be undisturbed ;
- (o) The representation accorded to Commerce should include the Muslim Chamber of Commerce in Bengal and Bihar as electoral units in their respective provinces ;
- (p) The electoral qualifications of the landholders' constituency should be reduced in Bengal, Bihar and single-seated constituencies be changed into multi-seated ones in each province by the single transferable vote.

Another resolution passed eulogised the services rendered by the Aga Khan to the Muslim community at the R. T. C., and thanked Mr. Husain Inam for the invitation to hold the next session of the Conference in Bihar.

It was understood that Sir M. Iqbal and Dr. Shafaat Ahmed Khan were rival candidates in the field for the presidentship. A compromise was reached and the meeting unanimously elected Dr. Shafaat Ahmed as the President of the forthcoming session, which was postponed until after the Joint Parliamentary Committee meetings. Meanwhile, Sir M. Iqbal would continue to act as the President.

## The U. P. Muslim Political Conference

The *Hon'ble Hussain Imam*, addressing the U. P. Muslim Political Conference held at Farukhabad on the 2nd. April 1933 said :—

“The changes that are going to be made in the constitution of the country require that you should be on the alert, and ever wakeful. To keep your liberty you must be vigilant. With the disappearance of the official element, it is a matter of prime importance that the men who go to the Councils are selected with care and caution. This can only be secured if you educate the masses and your electorate to realise the importance of their vote.

“We should take the lesson from the organisation which our sister community possesses. Our motto in the days of our prosperity was : ‘Take that which is best and leave the rest’. Therefore we should not be ashamed of following our fellow countrymen, and creating a body of selfless workers who would organise the country and its electorate. Muslims have to fight on the one hand those who may pose as friends, but are in reality tools in the hands of others, and on the other hand, they have to fight the self-seekers whose egoism is so developed, as to make them careless of the destiny of the nation. Personally, I regard the men of the last category as far more dangerous than the first, and the chances of their being able to dupe the electorate are far greater than those of the men of the former class.”

Regarding the White Paper and the extent to which the proposals contained in it tallied with the Muslim demands, the President said : “The White Paper has been subjected to more criticism than any document has ever been. Indians with a rare unanimity have condemned it as reactionary and retrograde, and it has failed to satisfy us all. The Muslim Conference resolution on the subject passed on the 26th by the Executive Board, gives a correct lead to the Muslims. Your great country can work the new Constitution only when the crippling safeguards, annoying restraints on the powers of the Legislatures, and the cramping financial difficulties, are removed. For the successful working of the new constitution it is essential that the financial equilibrium between income and expense should be established and a sufficient amount be left over for the nation-building departments.

“Our demand for statutory provision to secure an adequate share of the services under the Provincial Government, has fallen on deaf ears, and it is essential that we should ask the British Government to make suitable amendments. We had demanded special provisions in the Constitutional Act for the inclusion of the Muslims in the Cabinets of the Provinces, instead of which a pious hope is expressed in the White Paper to secure this end. The safeguards and reserve powers of the Governor are not objected to on account of the letter of the law, but, because of the spirit underlying the British Government's present attitude. The Muslims have always stood for constitutional method, and the Government can rely upon them for support in all matters which are conducive to the maintenance of good government in India. But our help cannot be promised for keeping India in slavery and bondage. In short if the Government values our support and wishes to inaugurate the future Reforms in a calm atmosphere, it ought to make necessary amendments in the new Constitution. We, on our side, are prepared to give the scheme a fair trial, if it is found workable when it emerges out of the Parliamentary Committee.”

## The Kerala Muslim Conference

The second session of the Kerala Muslim Conference was held at Calicut on the 13th. May 1933 under the Presidency of *Sir Muhammed Habibullah*. The following are important extracts from the speech delivered by him :—

“I gather that the aims and objects of your Conference are four-fold—social, educational, economic and political. It is only in the fitness of things that, in your

present backward condition, you should decide to pay equal attention and attach equal importance to these cardinal factors on which the advancement of any nation or community depends. You have pledged yourselves to make honest efforts to sink your differences, political and otherwise, and to chalk out practical lines of action to achieve success. For this purpose you summoned a Conference last year and another to-day, to consider ways and means for mobilising your scattered forces to ensure united action.

‘Having held the office of Education Member of the Government of India for more than five years and realising as I do that for Muslim community in general, and for the Mappilla community in particular education is the only solvent of all the ills they are suffering from, I cannot resist the temptation to give it the first consideration in the few remarks which I propose to make as President of the Conference. But, before I deal with the special problems concerning your community, I shall permit myself to make a few general observations in regard to Muslim education. The dominant fact in any consideration of Muslim education is that it is of recent growth and I need not weary you with an exhaustive recital of the causes and factors which had hampered it in the past. I speak of course of secular and especially secular English education, for in the matter of religious instruction and education in Islamic culture, the Muslims of India need fear comparison with no other community.

Besides religion our difficulties are now different. It is a fact not often realised that the bulk of the Muslim population of this country is rural in nature. It is also an experience common to all countries that the non-urban portion of their population is the most conservative element and which realises but slowly the need of education. It has been therefore, no mean task of our propagandists to conquer this deep seated conservatism and to instil in its place a thirst for knowledge. The other difficulty which to some extent, is allied to the first one is economic. It is a question of being able to afford the loss for some years of the earnings of the able bodied members of the family and almost even greater question of getting value for the money invested, in many cases at great parental sacrifice in the education of children.

“Let me now turn my attention to the special features relating to Mappilla education which have till now impeded its progress and which, thanks to a sense of appreciation on the part of some of its leaders, are now being investigated and efforts made to eradicate them. I am prepared to affirm, with all the fervour I can command, that I regard no education as sound or complete or useful either to the recipient or to the community to which he belongs unless it is broad-based on the solid rock of religion.

“It is, however, a happy sign of the times and a hopeful augury for the future that the leaders of the Mappilla community have bestirred themselves to obtain for their community their legitimate share in the educational facilities provided by Government and if need be, by supplementing them whenever necessary. While there are matters over which the community might well congratulate itself, I confess that there is still considerable ground to be covered. An increase in the number of schools, further augmentation of the inspectorial staff, increased facilities both in the Training School and Sessional School, extension of compulsory education to other areas, adequate and satisfactory arrangements for religious teaching, introduction of vocational training in higher elementary schools and a larger provision for the award of scholarships are some of the pressing points which call for early and satisfactory solution. I have no doubt that, if these are pressed on the attention of the authorities, there will be a favourable response, seeing that Government have, of late, recognised the need and become alive to the duty which they owe to the Mappilla community by providing all reasonable facilities for their education.

It may seem as though I am “carrying coals to Newcastle” by delivering myself of a homily on the all-important question of Hindu-Muslim unity. I am aware that it is your pride and a legitimate pride too that there is no Hindu-Muslim question in your district. I am also gratified to note that ever since the advent of your ancestors in this district you have been well treated by your Hindu brethren. Cow slaughter and music before mosque have not disturbed the peaceful relations which subsist between the two great communities. I am, however, imagining that I am addressing a larger range of audience than that I see before me and as, in these days, no question is of greater signification or possesses greater potentialities for the achievement of the goal which all in common have at heart, I cannot refrain from alluding to it. What is needed most at this juncture, more than at any other in the



history of India, is a spirit of tolerance, a characteristic which must be found in abundance in the followers of the Prophet who not only pressed it but practised it under all conditions. To my mind its exercise is imperative if the tragic strife between the two communities is to be appeased. Let no one think that religion and tolerance are in direct conflict with each other. Such a view is unfair to true religion and wholly irrational. If religion pertains to the spirit, intolerance which only hurts the spirit can be no part of religion. I am a Mussalman. I yield to none in the depth or intensity of my devotion to my Faith. But I am not a believer in unavoidable antagonisms. I have an invincible faith in the essential harmony of the spiritual ideas that are the core of the World's great religions—Hinduism, Buddhism, Christianity and Islam. Why then this clash of fierce passions? There can be no mutual confidence until we assiduously practise the faculty of tolerance, goodwill and kindness towards each other. By all means let us safeguard our religion, our culture, our fundamental rights and such other privileges as we regard as essential for our well-being and advancement. Knowing Hindu brethren as I do and having had the privilege and pleasure of moving with them on very intimate terms and of enjoying their goodwill and co-operation since the time I entered public life, I have no hesitation whatever that they will be glad to lend us a helping hand in the achievement of our object and it is only right that as a majority community they should do so. Please take it from me that all our political ideals and all our aims and aspirations of governing ourselves would be Utopian unless the two great communities are animated by one common desire to elevate the stature of their Motherland in the international world as an equal partner in the British Commonwealth.

"When you last met, the discussion between our representatives and those of the Indian Princes and His Majesty's Government in regard to the framing of the future constitution for India were still proceeding and it was then our fond hope and earnest desire that such proposals as might emerge as a result of those discussions would be in consonance with the oft-repeated pledges given by and on behalf of His Majesty's Government. Much water has flown under the bridges since then. The White Paper containing the tentative conclusions of His Majesty's Government has been issued and it has very appropriately been termed 'The Document of India's destiny.' You perhaps expect me to express my views on the proposals adumbrated in that document, but it seems to me that I will be guilty of wasting your time by attempting to subject them to a critical analysis. So much has already been said and written on this matter that I shall confine my observations to a general survey of the position. As you are aware the White Paper has generally been condemned as disappointing, halting in its broad outlines, reactionary and retrograde in essential matters, and over-loaded with irritating safeguards and reservations—in short displaying a lamentable attitude of absence of trust and lack of confidence in those on whom power is sought to be conferred. We need not pause to search for materials to form our judgment on the nature of the contents of that document beyond noting the views of the Secretary of State who must be credited as being its author and fully alive to its implications. When winding up the debate in the House of Commons on the proposal to set up a Joint Parliamentary Committee to make recommendations for the future government of India, he is reported to have assured his hearers among other things, that under the proposed constitution the security services and the executive officers of the Federal and Provincial Governments would still be recruited and protected by Parliament; the army would still remain under the undivided control of Parliament; the British Army would continue to be in India for many many years and he then emphasised for the satisfaction of his audience that those were not 'paper safeguards' but that the heads of Government were invested with great powers and were given the means of giving effect to those powers. Another important member of the Cabinet, while addressing his constituency, took credit for the fact that Government had succeeded in introducing into the proposed constitution all the safeguards which the wit of man could devise. This, then, is the picture of the proposed constitution as we see it. But there is, it seems to me, the consolation that the proposals of His Majesty's Government contained in the White Paper are not the last word on the constitutional advance of India. There is firstly the Joint Parliamentary Committee which, let us hope, will scrutinise these proposals in all their bearings and implications in consultation with the Indian Delegation which has been set up for this purpose and in the light of evidence which would be tendered by Indian witnesses and re-shape them in a manner to make them acceptable to Indian public opinion. Finally, there is Parliament on whose shoulders rests the responsibility of framing such laws as would

win and retain the loyalty, goodwill and cooperation of His Majesty's Indian subjects.

The crucial question which, however, we have to ask ourselves is what should be our attitude at this juncture? There are some who challenge the right of Parliament to frame a constitution for India—a right which they claim is inherent in Indians themselves. There are again others who, while deploring the attitude of His Majesty's Government for being responsible for the framing of a constitution which is virtually overloaded with crippling safeguards, annoying restraints on the powers of the Legislatures and cramping financial difficulties, are still prepared to work the scheme for what it is worth, after making further efforts to rid it at least of its provoking features and by so doing to convince its authors to what extent it is unworkable and in what details it should undergo a radical change. For communities as for individuals, co-operation offers the key to ordered progress. The key is within our grasp. Let us not lightly throw it aside and turn our faces from the portals which it is in our power to open and which keep us from our cherished dream land of radiant promise.

"It is needless to remind you that we Muslims have always stood for constitutional advance. We are no novices in the art of government.

"You are perhaps surprised that I have so far made no reference to your local grievances which have been agitating your minds and in regard to which you have been making repeated and earnest representations to the Powers-that-be—I mean the continuance on the Statute Book of what is known as the Moplah Outrages Act, the manner in which the Andamans Colonisation scheme is being worked, the pitiable plight of the Mappilla Rebellion State prisoners and others. Let me assure you that you have my fullest sympathy in your efforts to have these dark vestiges of a tragic event which has happily since receded into the limbo of forgotten history completely obliterated and in your sincere efforts to be permitted to begin life on a clean slate. I earnestly trust that the authorities concerned will see their way to help you in the laudable endeavour.

"One last word and I shall conclude. We are now on the threshold of important momentous changes in the constitutional advance of India. The manner in which we utilise these opportunities will determine the extent of their potentialities both immediate and future. This again will mainly depend upon the nature of guidance, direction and leadership which will be harnessed to the responsibility ahead of us. No degree of care, caution and circumspection will be too great in the choice of our leaders. I was reading the other day a contribution from a well-known writer defining the attributes of leadership which India needs boldly at the present critical juncture. We need "leadership which is magnetic, compelling, visionary, understanding, strong to curb rashness, ruthless towards violence and all else that dishonour the cause". In short, we want a leader who leads and if need be, leaves the crowd behind and goes forward to destiny alone; who does not look back to see who follows but ever gazes forward to see how near the goal is drawing. Having found such a leader, let us follow his lead with the obedience and discipline which characterise a soldier in the battlefield".

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# THE HINDU SABHA POLITY

## THE HINDU SABHA LEADERS' MEETING

### The White Paper Discussed

A joint Conference of the Working Committee of the All-India Hindu Maha Sabha and the Hindu members of the Central Legislature was held at New Delhi on the 26th March 1933 to consider the White Paper. Before adjourning, a Sub-Committee, consisting of five, was appointed in order to draft a resolution which would be placed before the same conference the next day. The Sub-Committee consisted of Raja Narendranath, Mr. B. Das, Dr. Radhakumud Mukherji, Mr. Lalchand Navalrai, and Mr. Harbilas Sarda. Dr. Moonje also to assist the Committee. The conference lasted two hours, and it was understood, various view-points were expressed.

### Hindu Sabha Working Committee

Earlier, the Working Committee of the Hindu Mahasabha discussed at length the draft resolution which, *inter alia*, stated that the Constitution, as foreshadowed in the White Paper, would not allay discontent, being most disappointing and quite inadequate to meet the aspirations of the people. The whole conception of the Constitution was not based on democracy or Dominion Status but on the fact that India was a conquered territory, belonging to the Crown, to be administered by the agents of the Crown, not predominantly in the interest of India, but in the common interest of England and India.

The second resolution appealed for political unity on a broader basis, and for the convening of a conference of all schools of political thought leaving aside communal considerations, to evolve a common plan of action.

It was understood that there was a strong opinion favouring considerable modification of the resolution. The same view was also taken at the Joint Conference later. Therefore, the conference adjourned till to-morrow evening, appointing a sub-committee of five in order to draft a comprehensive resolution.

The following members of the Central Legislature attended to-day's conference : Sir Hari Singh Gour, Mr. Bhagatram Puri, Mr. B. Das, Mr. Jadhav, Mr. Amarnath Dutt, Mr. Lalchand Navalrai, Mr. Brijkishore, Mr. Habilas Sarda, Mr. Jagdish Prasad, Mr. V. V. Kalikkar, Mr. Mathraprasad Merhotra, Mr. S. G. Jog, Mr. Sukhrajrai, Mr. Gayaprasad, Mr. Ramkrishna Reddi, and Mr. M. C. Rajah.

The following among the members of the Hindu Mahasabha, were present : Dr. Moonje, Raja Narendranath, Prof. Radhakumud Mukherjee, Babu Padmaraj Jain, Mr. Jagatnarin Lal, Mr. G. D. Savarkar, Mr. Jyotishankar Dixit, Mr. Gourishankar Misra, Lala Sriram, Mr. Shivnarain, Mr. Ganganand Singh and Principal Thadani.

### SECOND DAY—NEW DELHI, 27th. MARCH 1933

The Joint Conference of the Working Committee of the Hindu Maha Sabha and the Hindu members of the Central Legislature met again this evening and after three hours' discussion, passed a series of resolutions on the White Paper. The Working Committee fixed the 9th April to be observed as an All-India Day for condemning the White Paper and for holding meetings throughout India and for adopting the resolutions passed at to-day's Conference. Instructions to all Provincial Sabhas were also conveyed officially to-day. The resolutions passed to-day *inter alia* stated :—

"This Conference puts on record its deliberate opinion that the Constitution for India, as foreshadowed in the White Paper, will not allay but increase the discontent, as being most disappointing and inadequate, and even retrogressive."

"This Conference is further of the opinion that time has come for bringing about



political unity in the country on a broader basis, so as to enable the country to present a united front and evolve a common line of action, to meet the crisis that has arisen in consequence of the reactionary proposals in the White Paper.

"There is no advance in the constitutional status of India, and the whole conception of the constitution is based on the assumption that India is a conquered territory belonging to the Crown.

"India is to be administered not in the interest of India by the agent of the Crown. The Constitution does not even remotely or in any sense approximate to the Dominion Constitution, which the Government are pledged to grant by their Parliamentary declarations.

"Though it was agreed that the introduction of Central Responsibility leading to Dominion Status, should be accompanied during the period of transition by safeguards which should be demonstrably in the interests of India, the period of transition is not fixed nor are the safeguards conceived in the interest of India.

"Central Responsibility is made dependent on the one hand ultimately on the will of the Princes, and on the other on world economic conditions making the establishment of a Reserve Bank possible, and on its successful working, and also more particularly on the will of the Houses of Parliament to present an address, if and when they so choose, to His Majesty, praying for his proclamation announcing the establishment of a Federation.

"Provision has been made for endowing the Governor-General with extraordinary powers, whereby the Governor-General can make Acts without the consent of or even a reference to the Legislature, and can appropriate funds on his own individual judgment and will.

"The authority of the Governor-General to appoint counsellors for the administration of the Reserved departments, Defence and Foreign Affairs, is not limited to the choice of his counsellors from amongst the elected members of the Legislature.

"The Federal Legislature has been denied the power of constituting a railway board by a statute of its own for the administration of Federal railways."

"The responsibility of the Finance Minister, already circumscribed as it is by making more than eighty percent of the revenue non-votable, has been further seriously crippled by the appointment of a Financial Adviser to the Viceroy.

"No provision has been made for complete Indianisation of the Army within a reasonable period.

"Powers are still retained by the Secretary of State as regards recruitment to and control of Public Services like the Civil Service and the Police Service, which being the 'steel frame' of the constitution, are incapable of automatic adjustment, compatible with automatic constitutional growth.

"No provision has been made for automatic growth of India to a Dominion constitution, without a further reference to Parliament.

"Fundamental rights have not been defined, and no provision has been made for the inclusion of these rights in the Constitution Act. In view of the practically autocratic powers of the Governors, the omission will, it is feared, lead to differential treatment of minorities in the different provinces."

"The Communal Award, which forms the basis of the structure of the constitution, is predominantly pro-Muslim and is highly unjust to Hindus. It is unacceptable to Hindus as it provides separate electorates, and undue weightage and representation in the Legislatures to Muslims at the cost of the Hindus.

"Government reserve to themselves the right to withhold reforms under certain possible and undefined financial, economical and political conditions.

"The allocation of seats in the Lower House of the Central Legislature for the three provinces of Punjab, Bengal and Sind, where the Hindus are in a minority, is grossly unjust as compared with the seats assigned to Muslims in the provinces in which they (Muslims) are in a minority."

The following attended to-day's Conference :—Dr. B. S. Moonje, President, Mr. B. Das, Lala Sriram, Mr. Hariraj Swarup, Mr. Mathraprasad Mehrotra, Dr. Radhakumud Mukherjee, Mr. Jagatnarain Lal, Mr. Gangaram, Mr. Savarkar, Master Khaliram, Mr. Jyotishanker Dixit, Mr. Ramkrishna Pande, Mr. Mukut Beharilal Tripathi, Mr. Harishchander Bajpai, Mr. Mehrchand Khanna, Mr. S. G. Jog, Mr. Harbilas Sarda, Mr. R. S. Sarma, Mr. Rameswara Prasad Bagla and Mr. Gourishanker Misra.

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## The Burma Hindu Conference

The fourth session of the Burma Provincial Hindu Sabha was held at the Reddiar Hall, Rangoon on the 15th, 16th and 17th April 1933. *Swami Nirmlanandaji*, President of the Vivekananda Mission, Calcutta, presided over the Conference. In the course of his speech the president said :—

"We are on the threshold of a great transformation, a mighty revolution. The whole of India is threatened with cultural extinction under the dead-weight of the modern mechanical and commercial civilisation of the west built upon a "lay of progress" which works not by evolution, but by destruction under the guidance of a disintegrating individualism. The whole structure of Hindu society and civilisation is the direct product and outcome of the exercise of the communal principle of human life and conduct in the affairs of men and institutions. But that structure has been unremittingly, indiscriminately and unscrupulously attacked under the inspiration of the individualistic principle of social progress, which forms the very foundations of the society and civilisation of the modern West. The conflict of the West against the East, of Saxon individualism against Indian communalism has already begun. Man is as much a communalist personality as an individualist one, and therefore he should not be regarded except as forming an integral part of the community. The blunder of introducing and enforcing Western ideals of individualism by those who had the making of India in their hands for more than a century and a half in a country where the civilisation was built on the communal ideal of life, should have been avoided.

"But it is stupid to think that at a period of rapid transformation, our religion, morality and family should escape criticisms which are being applied to all other institutions in the world. What is required is not to shield the forms and institutions of Hinduism from such attacks, but that such criticisms should be guided into right rational channels. Unless such a step is taken, there is every danger of Hinduism and the whole fabric of our civilisation reverting to a lower plane of intellectual, social and spiritual values. The way in which things are rapidly developing can only lead, as the late Swami Vivekananda said, to a combination of castes other than the Brahmin to evolve a new religion like that of Buddhism in ancient India, or a new religion which is more adapted to the requirements of modern life.

"Attempts to educate and awaken the masses through politics have failed. If reform is needed in any sphere of life, it must be done by and through the fundamental principles of religion. If we need politics, we must have the politics of service to humanity. Instead of politics of power and privilege, instead of setting before the people a pagan programme of self-interest, material satisfaction and brute force, we must have a politics of service and worship of humanity. And the end must be sought by the unfoldment of the highest and the best in the people of all castes and communities within the society. Brahminisation or levelling up of the the down-trodden is predominantly a social ideal of the Hindus. This elevation of the depressed to the dignity of the divinity, this spiritualisation of the secular and social outlook of the people is neither in conflict with the best traditions of Hinduism, nor in conflict with the highest ideals of patriotism that we can conceive of, for loyalty to humanity does not weaken loyalty to one's own country and society".

Speaking on the need for the revival of religion, the Swamiji said "that the religious leaders should drop their theological disputations, sink their petty sectarian differences, and give religion the positive humanitarian trend which civilisation demands. The universal aspects and values of religion must be emphasised. Nation-wide mass education was essential and he quoted the Yajurveda to support the view that Vedic knowledge should be imparted to all castes and even to the "Charanas" or the Untouchables. The artisan class should be given technical education so that they might hold their own against competitors in the market. Intellectual and technical experts should come forward to help in the matter of ameliorating the material conditions of the industrial classes along the lines of their traditional culture, with necessary variations to suit modern requirements".

### Resolutions Passed

Among the resolutions that came up for consideration were one relating to temple-entry. There was some opposition to the adoption of this resolution, but it was ultimately carried by a huge majority.

The Conference also resolved to take the necessary steps to recognise and legalise conjugal unions between Hindus and Buddhists, and also to protect the rights of the children born of such unions.

The following are some of the resolutions adopted by the Conference :—

(1) The Conference places on record its deep sense of sorrow at the sad demise and irreparable loss to the Hindu community in the deaths of Dr. P. J. Mehta, Dr. S. Raja Reddiar, Justice P. N. Chari, Rana Baijnath Seth, Mr. Chaganlal V. Calliara, Mr. S. S. Halkar, Mr. V. Madanjit and Mr. T. S. V. Chari.

(2) The Conference places on record its deep sense of gratitude to Mahatma Gandhi for his unique services in the fight for the removal of Untouchability from the Hindu Society.

(3) This Conference extends its hearty greetings to the several Phongyis and others in Burma and places on record its appreciation of the valuable services rendered by them for the continued maintenance of cordial and harmonious relations between the Hindus and Buddhists in Burma, and calls upon all Hindus to do all that is in their power to maintain and foster the ancient affinities existing between these two communities.

(4) This Conference requests all Hindus in Burma to observe the Lord Buddha's Day in a fitting manner in co-operation with the Buddhist brethren.

(5) This Conference asks the Executive Committee of the Burma Provincial Hindu Sabha to take necessary steps for the protection and recognition of the Indian vernaculars in view of certain new Rangoon University regulations.

(6) This Conference thanks the management of all Hindu temples in Burma who have thrown open temples to Harijans, and requests other similar managing bodies who have not yet done likewise, to do so.

(7) This Conference is of the opinion that the various Bills which are now before the Legislative Assembly or before the Provincial Legislative Councils in connection with the question of temple-entry deserve the support of all Hindus, and calls upon the Hindu members of such legislative bodies to make all possible efforts to secure their passage in the said legislative bodies.

(8) This Conference notes with regret the tendency among certain sections of the Hindu society to excommunicate such of their co-religionists as may have Burmese Buddhist wives. This Conference records its opinion that such tendencies are illiberal and injurious to the higher interests of Hinduism.

(9) This Conference considers it desirable that an Intermediate Class and a separate third class deck for ladies should be opened in all steamers plying between Burma and India and requests the Executive of the Burma Provincial Hindu Sabha to make representations to the companies concerned to achieve the end.

## The Punjab Frontier & Sind Hindu Conference

A suggestion to the Congress to work the constitution to the best advantage and in conformity with its ideals and to the conference to give the Punjab Hindus a mandate whether the present partial boycott should continue and a plea for organisation on the basis of Hindu brotherhood were among the outstanding points in the presidential address of *Raja Narendranath* at the Punjab Frontier and Sind Hindu Conference held at Multan on the 14th May 1933.

The Raja traced the deterioration of Hindu position since the report of the Simon Commission firstly to the callousness of our co-religionists from the Provinces in which Hindus were in majority and of the Hindus of Bengal who paid scant attention to the protection of their own interests as a minority but who now felt the pinch and active opposition of non-Brahmins of Madras.

The President appealed to the Hindus of other provinces not to be callous with regard to the legitimate rights of 30 millions of their co-religionists.

Raja Narendranath suggested the formation of a Hindu Minority Board consisting of selected Hindus from four provinces in which Hindus were in a majority and create public opinion in favour of securing uniform treatment of all minorities,



conceding to Moslems in six provinces not more than what Moslems were prepared to concede to Hindus in provinces in which Moslems were in majority. Let Moslems in six provinces realise what it is to allow a majority community to come through separate electorates. Moslems all over the country will then join hands with Hindus in demanding joint electorates.

The Raja described the attitude of Liberals as irrational and unscientific and made fervent plea for breaking down the barriers of caste and creed without which the citadel of Swaraj could never be won.

### Resolutions passed

Next day, the 15th May, the Conference passed resolutions on the subject of the Frontier and Sind grievances, the Punjab minority issue and the submission of evidence before the Joint Select Committee. The Congressite Hindus, who boycotted the conference at the outset, later took part in the deliberation as the result of a compromise. The presence of a number of Harijans who entered the conference and sat beside the delegates created a certain amount of resentment among Sanatanists, but the organisers successfully dealt with the incident, satisfying both parties.

The conference passed a resolution appealing to Hindus to remove untouchability, give the right of temple entry to Harijans and treat them as part and parcel of the Hindu community. It was resolved to send witnesses to the Joint Select Committee and submit a memorandum. The main resolution ran as follows :—

“Resolved that this conference strongly condemns the differential treatment of Hindu and Muslim minorities in respect of seats reserved in the provincial legislatures, maintaining weightage for Muslims in six provinces and denying to Hindu minorities representation even on their minority in the centre.

“Resolved that this conference opines that adequate representation be afforded to minorities in the N. W. F. Province in the cabinet in the coming constitution on the same principle as is applied for Muslim minorities in Madras, Bihar and Orissa and the United Provinces. That this conference of the Punjab Sind and N. W. F. Province opines that in the case of services recruitment should be purely on the basis of merit, but if this principle is not accepted entirely, then a uniform principle for recruitment to the services should be adopted for all communities throughout India for removing communal inequalities.

“This conference strongly condemns the proposals of the White Paper in respect of the separation of Sind from Bombay and opines that this is being done only to placate a small section of Muslim opinion, it being significant that the Simon Commission and the financial experts committee's report does not regard separation financially practicable or sound and does not accept separation as a settled fact.”

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## The C. P. Hindu Conference

*Dr. B. S. Moonje* in his presidential address at the C. P. Provincial Hindu Conference held at Saugor on the 17th. and 18th. May observed :—

There are at present three burning topics, which the Hindu Maha Sabha has to take notice of. The first is the revival of the talks of unity between the Hindus and the Muslims ; the second is the campaign for the removal of untouchability and the third is the Joint Parliamentary Committee.

As for Hindu Moslem unity, we have been holding harangues about it during the last ten years, ever since Mahatma Gandhi propounded his theory that Swaraj is not possible without Hindu-Moslem unity. Taking the clue from this dictum of Mahatma Gandhi, and being challenged to produce an agreed constitution by the late Lord Birkenhead, the then Secretary of State for India, the late Pandit Motilal Nehru, proud of his pro-Moslem culture, tried his hand at Hindu-Moslem unity with a skill, which no other leader of the Congress could approach. Finally, the Nehru Report

which was the result of his untiring labours and critical collaboration with constitutionalists like Sir Tej Bahadur Sapru and Mr. M. S. Aney, had to be drowned in the Ravi in consequence of Moslem opposition. Mahatma Gandhi, the greatest man living as we are wont to call him, himself tried his hand in London, but failed utterly in the attempt. Lately, Pandit Malaviyaji also tried his luck and measured his simplicity and suavity of temperament with the strategy of Maulana Abul Kalam Azad. These attempts were made with the best of intentions and the utmost sincerity. Unity however is not near ; rather, it seems to have receded far off, perhaps owing to the very attempts at unity, being based on the dictum that Swaraj is not possible without Hindu-Moslem unity. In the course of the discussions Hindus made commitments in the hope of achieving peace with the Moslems and the Government. But British statesmanship, shrewd and steeped, as it is, in the politics of Clive and Warren Hastings, took full advantage of these commitments to placate the Moslems, and wean them away from all such enterprises. Perhaps what is left behind is the resultant feeling that a sin has been committed both against Indian nationalism and Hindu interests.

But what else could we expect to result from the dictum that Swaraj is impossible without Hindu-Moslem unity ?

It was for this reason that I had stated in my presidential address at the annual session of the Hindu Mahasabha at Patna in 1927 :—

"On the whole, taking every thing into consideration, I feel that I should repeat my conviction that, if the Hindus leave the Moslems severely alone for sometime to come, to do as they please even in association with the Government, and cease talking any further of Hindu Moslem unity, the Moslems themselves will see the folly of their own insistence on separatist communalism and may eventually come to feel that it shall be in their real interest as also that of India as a whole, if they veer round and merge themselves in Indian Nationalism for the common good of India which connotes their communal prosperity also".

The same sentiment was reciprocated in the first R. T. C. by the Nawab of Chattari, now the Governor of U. P. who said in his speech : "But I beg my Hindu friends, as well as my British fellow delegates not to insist on such minorities as wish to have a separate electorate to give it up, because the more you insist the more the minorities feel that there is something wrong; and the more their mistrust is excited".

Under the circumstances, I would still advise the Hindus to leave the Moslems alone to do as they please. If the British Government were to gift away their whole empire to the Moslems of India, we Hindus have no reason to grudge. We shall congratulate them on their good luck.

It is reported in the papers of the 16th instant that Mr. Jinnah addressing a very large gathering of Indian students at the Indian Students' Union, London, particularly blamed the Hindus for lacking self-confidence. He further said that in the interest of presenting a united front in the fight for freedom, the Hindus must have confidence to say to the British Government : "We, the majority community, will consider safeguards for all minorities". It was exactly this very device that I had proposed to Mr. Jinnah at the first R. T. C. in the Hindu spirit of self-confidence. My concrete proposal to him was that in strict secrecy and confidence, he should make his demands on behalf of the Muslims and I on behalf of the Hindus and that we should come to some settlement by mutual agreement. This agreement in all its details was to be signed by him and us and deposited for "safe custody" in the name of both of us say with the Bank of England. Having done that a constitution, I suggested, should be framed to satisfy the National demands so frequently formulated by the leaders of India. "Having so framed the constitution", I said, "let us go to the Prime Minister and tell him that we have achieved Hindu Moslem unity. Having so admirably done our part, then we should ask the Prime Minister, if he was prepared to do his part and grant the agreed constitution to us. If the constitution is granted, the pact becomes operative immediately ; if not, the pact remains absolutely secret, until we get the constitution by our joint fight." But Mr. Jinnah did not agree. What more was it possible for the Hindu Mahasabha to do for achieving Hindu-Moslem Unity, short of advising actual conversion to Islam of Hindus ?

It is all very well to talk of representing a united front. But supposing the Hindus were fools and lacked self-confidence, why did Mr. Jinnah not show greater wisdom and greater self-confidence ? If Swaraj is a good thing to be had, it must be equally desired by the Hindus and the Muslims.

The Hindus do not want any special safeguards for their protection even in the provinces in which they form a minority community. They feel quite confident to be able to hold their own without any safeguards in competition with the Muslim majority. It is even now not too late. My offer is still open to him.

The Hindu Mahasabha has been and is doing all that it can to encompass the extinction of untouchability in practice as early as possible. But now the matter has taken a critical turn. Mahatma Gandhi has staked his very life for its removal. The Mahasabha offers its humble cooperation for whatever it may be worth in the general struggle for slaying the demon of untouchability.

However, if in my love and reverence for the Mahatma I do not mention here that the Mahasabha has a fundamental objection to Mahatmaji's solution of the political problem of the untouchables I shall be false not only to myself, but even to Mahatma Gandhi. The Hindu Mahasabha can never agree to separate electorates in any shape or form for the Depressed Classes, which unfortunately form the basis of the Poona Pact.

Now, as for the Joint Parliamentary Committee, the Mahasabha never had any faith in the kind of non-co-operation which Mahatma Gandhi has been preaching and practising. It believes in the eternal Sanatan law of stimulus and response namely, responsive co-operation. The Mahasabha holds the view that whatever may be the constitution of the legislatures they should never be boycotted, but should be worked to the best advantage of the country.

The Hindu Mahasabha has accordingly sent its statements both on the communal and constitutional problems to the Joint Parliamentary Committee and, if invited, will lead evidence through an All-India deputation when the Mahasabha is organising.

## THE LIBERAL POLITY

### LIBERALS' & NATIONALISTS' STATEMENT ON R. T. C.

A number of prominent Liberals and Nationalists including former members of the Round Table Conference, Sir Phiroze Sethna and Mr. Mody, an ex-Minister of the Bombay Government, Sir Govindrao Pradhan, Sir Chimanlal Setalvad and Sir M. Visweswarayya met at Bombay on the 16th. & 17th. January 1933 and after listening to explanations on the Round Table Conference achievements set forth by Mr. Jayakar issued a statement laying down the minimum conditions which the new constitution of India should fulfil, namely, provincial responsibility, central responsibility including control of purse, exchange and economic policy, increasing participation in the control of defence and military and safeguards only for a fixed transitional period to be demonstrably in the interests of India. Explaining these conditions the signatories apprehend that the reserve bank and consequently federation must recede to a remote future if the conditions mentioned at the last Round Table Conference are insisted upon. They urge that if a sufficient number of princes do not join federation before the Joint Select Committee meeting or the establishment of the reserve bank is impracticable before the end of the year, central responsibility should not be delayed.

The signatories feel that the nature and extent of the safeguards are very wide and the powers suggested at the last Conference are unprecedented.

They declare that Indian opinion is not satisfied with the position taken up by the Secretary of State regarding military expenditure and Indianisation of the army and opine that period not exceeding 15 years is sufficient to make India self-sufficient in the matter of defence. They urge the appointment of a committee to examine the military expenditure with a view to effecting a substantial reduction consistent with efficiency. As regards foreign relations they opine that power of entering into commercial treaties and similar matters should be vested in a Minister and the special responsibility of the Viceroy to exercise political control over it should be abolished.

Referring to safeguards they opine that the safeguards suggested are too wide and



drastic leaving little scope for the exercise of genuine responsibility by the legislature and the Minister responsible therefor. The policy regarding currency and exchange should in the last resort rest with the legislature. The proposal to appoint a Financial Adviser to the Viceroy will render financial responsibility nugatory.

Similar remarks apply to the special responsibility of the Viceroy respecting the protection of minorities and services. The Viceroy's power of promulgating special acts are also highly objectionable. The signatories do not approve of the creation of a statutory board for railways except for the administration of railways under their control. There ought to be clear provision in the Statute regarding fundamental rights and constituent powers for automatic expansion of the constitution without reference to the British Government. The special responsibilities of provincial Governors analogous to those of the Governor-General and their powers to issue Ordinances and Special Acts will make provincial autonomy illusory.

The signatories strongly opine that in order to secure a peaceful atmosphere for the consideration of reform proposals on their merits, it is essential that all political prisoners should be immediately released and express the hope that such action may result in harmony and cooperation.

## The U. P. Liberal Association

The annual general meeting of the United Provinces Liberal Association was held on **Sunday, Feb. 12, 1933**, at 5 p. m. in the Leader Buildings, Allahabad, with *Mr. C. Y. Chintamani* in the chair. Dr. R. P. Paranjpye was elected a member of the Association and the report presented by the secretaries and the statement of accounts presented by the treasurer were adopted. After electing delegates to the coming session of the National Liberal Federation at Calcutta, the Association adopted the following resolutions:—

“Resolved that the United Provinces Liberal Association approve and hereby adopt the following statement on the results of the last Round Table Conference and the coming reforms, issued by Liberal and other leaders of Bombay:—

“The authoritative statement of Sir Samuel Hoare and the information available from Indian delegates, who attended the last Round Table Conference, afford very definite indications of the probable outline of the future constitution which will very soon be placed before Parliament for sanction and approval. If the aim and object of framing a constitution for India is to satisfy the just and legitimate aspirations of her people, and to remove the discontent and disaffection which are so widely prevalent all over the country, then a constitution, which merely tinkers with the problem and makes no really satisfactory advance towards Dominion Status will be of no avail. Any constitution worth the name must at least satisfy that large volume of public opinion which holds very definite and emphatic views about certain minimum conditions which any constitution must fulfil before it can be acceptable to the people of India. These conditions are: Full unfettered responsible government in the provinces, (2) Central Responsibility, which term is to include (a) control of the purse, (b) right of the Indian Legislature to determine the economic policy including the regulation of exchange, currency, industrial and commercial matters and (c) an increasing share of responsibility and control in connection with Defence and the Military, (3) Central Responsibility to be introduced simultaneously with provincial autonomy, and (4) Safeguards to be only for a fixed transitional period and to be demonstrably in the interests of India. Applying these tests to the contemplated scheme of constitutional reforms, as it has emerged from the discussions at the Conference, the signatories are constrained to observe that unless materially altered, it would grievously fall short of these essentials and will fail to secure the approval and support of any section of responsible public opinion in India.

“(2) While Government's assurance that they would remove all obstacles in the way of the establishment of the Federation is satisfactory so far as it goes, the condition that at least half the total number of States comprising not less than half the total population of the States must express their willingness to join and that the establishment of the Reserve Bank is to be made condition precedent for the usher-

ing in of the new Federal Constitution, introduce elements of uncertainty. The signatories cannot avoid the apprehension that the Reserve Bank and consequently Federation must recede to a remote future if the conditions mentioned at the last R. T. C. for the establishment of the Reserve Bank are to be insisted upon. In referring to the Reserve Bank, the signatories assume that it would be of such a character and constitution and with such powers and functions as will be acceptable to Indian public opinion. Further, several important features of the new constitution, like the size and composition of the Federal Legislature and Federal Finance are left in a vague and indeterminate form, there being no agreement on them yet. If a sufficient number of Princes do not come forward to join the Federation before the meeting of the Joint Select Committee takes place, or the establishment of the Reserve Bank is not found to be practicable before the end of the year, the introduction of the Central Responsibility must on no account be delayed.

"(3) While Indian public opinion recognise the need of safeguards and reservations which are demonstrably in the interests of India during the transitional period, it would not reconcile itself to any proposal that does not strictly limit the length of this transitional stage. Development of responsibility on the part of the future Federal Legislature would be itself facilitated if there were an assurance that these adjustments were capable of termination at the end of a reasonably short and specified period. The possible objection that the laying down of such a time limit may be considered constitutionally inappropriate does not impress the signatories who feel that the nature and extent of safeguards and not of the very wide powers suggested are such as cannot but be regarded as unprecedented.

"(4) Indian opinion is not satisfied with the position taken up by the Secretary of State in his speech regarding military expenditure and Indianisation of the Army. The Army Member should be selected from those members of the Legislature who represent British India or the States even during the transitional stage, while the process of Indianisation of the Army should be regulated and expedited by a defined policy, time-table and programme embracing the question of the reduction of the British Army in India. Speaking generally, the signatories are of opinion that a period not exceeding 15 years should suffice to make India self-sufficient matter of defence. The signatories further feel that even during the period of transition, the Military budget should be prepared by joint consultation between the responsible Federal Ministers and the representatives of the Army, and that statutory obligation should be provided requiring the Governor-General to secure such consultation. A committee which will command the confidence of the Indian public should be appointed at an early date to examine the question of military expenditure with a view to effecting substantial reduction therein, consistently with the maintenance of efficiency, as without such reduction conditions for the success of the new constitution will not be secured especially as the limit of taxation has already been exceeded. As regards Foreign relations, the power of entering into commercial treaties and similar matters should be vested in the Minister and the special responsibility of the Viceroy to control it from the political stand-point should be done away with.

"(5) Some of the safeguards suggested are too wide and drastic and leave little scope for the exercise of genuine responsibility by the Legislature and Ministers responsible to it and are calculated to be a fruitful source of friction. The Consolidated Fund, exhausting a bulk of the central revenue, will leave very little of financial power to the Legislature. The functions of the Reserve Bank should be strictly confined to its legitimate work. The policy with regard to currency and exchange should in the last resort always rest with the Legislature. The power of the Federal Cabinet to introduce legislation affecting currency and exchange should not require the previous sanction of the Viceroy. The special responsibility of the Viceroy regarding what is termed 'Commercial Discrimination' (which is defined to include both legislative and administrative discrimination) will seriously trench on the power of the Legislature and the Central and Provincial Governments to promote key industries and basic trades and to check unhealthy competition from foreign concerns. The proposal to appoint a Financial Adviser to the Viceroy will render financial responsibility nugatory. Similar remarks apply to the special responsibility of the Viceroy in respect of the protection of the minorities and the services. His power of promulgating Special Acts is also highly objectionable.

"(6) The signatories do not approve the creation of a Statutory Board for Railways except for the administration of railways under their control. They are also of opinion that Indian affairs should be placed in charge of a Dominion Minister and the office of the Secretary of State and his Council should be abolished. There

ought to be a clear provision in the Statute regarding Fundamental Rights and the Constituent Powers for the automatic expansion of the constitution without reference to the British Parliament.

"(7) The special responsibilities of the Governors in the provinces, analogous to those of the Governor-General, and their power to issue Ordinances and Special Acts will make provincial autonomy illusory.

"The signatories are strongly of opinion that in order to secure a peaceful atmosphere for the consideration of reform proposals on their merits, it is essential that all political prisoners should be immediately released and they are not without hope that such action may result in harmony and co-operation.

"The United Provinces Liberal Association records its strong opinion that it is both just and necessary that Mahatma Gandhi and other Congressmen in prison with or without trial should be set at liberty without any more delay and should be afforded adequate opportunities of stating their views on the coming reforms.

"The United Provinces Liberal Association is astonished at the highly improper use of sec. 144, Cr. P. C., by the district magistrate of Allahabad in prohibiting the public meeting convened for February 6 in Purshottam Das Park under the chairmanship of Sir Tej Bahadur Sapru on the occasion of the second anniversary of the death of the great patriot and Allahabad's illustrious son, Pandit Motilal Nehru. It is the Association's conviction that such arbitrary and utterly unjustifiable acts of executive authority are bound to shake still further the weakening faith of the people of this country in constitutional as distinguished from direct action—a result that will do no good to anybody.

ALLAHABAD—2nd. APRIL 1933

#### White Paper Condemned

A meeting of the U. P. Liberal Association was held at Allahabad on the 2nd. April 1933 with Mr. Chintamani in the chair. The following resolutions were passed unanimously :—

"The United Provinces Liberal Association records its sense of acute dissatisfaction with the scheme of constitution embodied in the White Paper.

"The proposals of His Majesty's Government are not on the lines of a dominion constitution and do not lead India anywhere near self-government.

"Further, many of the proposals are open to serious objection from India's point of view and some of them make the position worse than at present.

"The Association must make an emphatic protest against the proposals regarding the Secretary of State and the India Council, Defence, Finance, Commercial Discrimination, Statutory Railway Authority, the constitution of the legislature, provincial second chambers, and above all, the amazingly wide powers to be conferred upon the Governor-General and provincial Governors.

"The proposals relating to the services are extraordinary and a *reductio ad absurdum* of responsible government and provincial autonomy.

"The Association has no hesitation in affirming that far from being a measure of appeasement the White Paper scheme is bound to accentuate political discontent to diminish confidence in constitutional effort, and to make peaceful governance increasingly difficult.

"The Association regrets that the substance and the tendency of the speeches in the House of Commons are calculated still more to increase distrust in British intentions.

"The Association reaffirms the conviction that no measure of reform will fulfil its avowed purpose or meet the requirements of India or the manifest wishes of Indians which will not endow India with true responsible self-government with no more than the minimum of reservations 'demonstrably in the interests of India' for a short transitional period fixed by statute."

The resolution was proposed by Rai Sahab S. P. Sanyal, and seconded by Babu Gauri Sankar Prasad.

"The United Provinces Liberal Association records its emphatic protest against the severe and unwarranted action taken by Government for the second time to prevent the holding of a session of the Indian National Congress.

"The Association deeply regrets the arrest of Pandit Madan Mohan Malaviya, Mrs. Motilal Nehru and numerous other members of the Congress,—arbitrary action to which the country cannot reconcile itself.



"The Association deplores the ironic answer of the Government to the repeated demands for the release of Mahatma Gandhi and other Congressmen imprisoned for political reasons, and is bound to state that its effect upon the public mind will be to alienate opinion still more from the Government and to make the path of ordered progress still more difficult."

The resolution was proposed by Pandit Gopinath Kunzru and seconded by Mr. Vishun Nath.

## National Liberal Federation Council

### R. T. C. Condemned

A meeting of the Council of the National Liberal Federation held at Bombay on 12th. March 1933, after four hours' deliberations, passed three lengthy resolutions, expressing dissatisfaction at the results of the third Round Table Conference, appointing a committee consisting of Mr. C. Y. Chintamani, president, Sir P. S. Sivaswami Iyer, Mr. V. S. Sreenivasa Sastri, Diwan Bahadur Ramachandra Rau, Sir Chimanlal Setalvad, Mr. B. S. Kamat, Mr. J. N. Basu, Pandit Hridaynath Kunzru, Lala Manohar Lal, Rao Bahadur K. V. Brahma and the two general secretaries of the Federation to prepare a statement on the coming White Paper, to circulate the same among the members of the Council and to lay it before the ensuing session of the Federation next month and strongly urging the Government to release all political prisoners not convicted of violence as a measure of highest political expediency and hoping that the Congress would stop the civil disobedience movement.

Prominent among those who attended today's meeting were Mr. C. Y. Chintamani, president, Sir Chimanlal Setalvad, Sir Cowasji Jehangir (junior), Rao Bahadur R. R. Kale, Mr. B. S. Kamat, Mr. G. K. Devdhar and Mr. D. G. Dalvi.

The following is the full text of the resolution regarding the results of the third Round Table Conference :—

"The Council of the National Liberal Federation of India is of the opinion that the results of the third Round Table Conference as embodied in the official report are unsatisfactory in view *inter alia* of the following features of the proposed scheme : (1) The absence of any indication as to the date when an all-India federation will be inaugurated ; (2) the imposition of a new condition precedent, that a Reserve Bank must be established and must function effectively prior to the federal constitution begins to operate and the lack of assurance as to what would be done in case this condition was not fulfilled at an early date ; (3) the absence of a clear enunciation that policy about currency and exchange shall rest with the legislature ; (4) proposals regarding "defence" which do not confer adequate powers on the future Indian legislature to quicken the pace of Indianisation of the Indian Army, to reduce the strength of the British garrison in the country, to control the policy regarding military training of nationals, to throw open all ranks of Indian defence forces to all classes, including the so-called non-martial races with a view to achieve complete nationalisation of the army within a reasonable period and to bring about a substantial reduction of the huge and unbearable military expenditure of the country ; (5) absence of any decision regarding federal finance, constitution of the federal legislature and other conditions whereon States would join the federation ; (6) the fact that the safeguards devised are excessive and unreasonable and not demonstrably in the interests of India and that it is not provided that they shall terminate after a short transitional period fixed by statute ; (7) the proposed financial safeguards which constitute a virtual negation of financial powers to the Federal Government and legislature ; (8) the proposed statutory provision against commercial discrimination which is calculated to deprive the future legislature and executive of the necessary power to afford protection to Indian trade and industries against unfair competition by non-nationals ; (9) the reactionary and far-reaching proposals regarding the special responsibilities of the Viceroy, conferring on him unnecessary and wide powers, financial, legislative and administrative, rendering the transfer of power in the centre almost nugatory, (10) the absence of provision vesting recruit-

ment and conditions of employment of future entrants to public services and complete control of public servants, present and future, in the Central and Provincial Governments subject to safeguards regarding salaries and pensions of those in service at the date of the coming into operation of the new constitution, (11) vitiation of even the proposed provincial autonomy by proposals regarding special powers of Governors analogous to those of the Viceroy, with the power of interference in the administration of law and order in the provinces and establishment in provinces of second chambers apart from the unsatisfactory constitution of the proposed provincial legislative councils which will render very difficult the formation of non-communal parties based upon differences of policy; (12) absence of any proposals for the abolition of the India Council and a separate office of the Secretary of State for India; (13) the lack of any provision regarding fundamental rights and power to future legislatures to make needed changes in the constitution without the sanction of the British Parliament.

The Council deems it its duty to emphasise that no constitution can satisfy the Country which will not provide for transfer to popular control of the entire civil administration, central as well as provincial, subject only to such an irreducible minimum of safeguards as is shown to be demonstrably in the interests of India and for a transitional period fixed by statute and which will not confer adequate powers on the future Government and legislature to take necessary steps to regulate military expenditure, to nationalise the Indian army within a fixed period and reduce the strength of the British troops with a view to their eventual elimination.

In as much as the scheme that has emerged from the discussions of the Round Table Conference fails to secure these ends and to approximate to a constitution of a self-governing dominion, it would not be a measure of political appeasement and is bound to intensify the present acute and wide-spread discontent.

## THE NATIONAL LIBERAL FEDERATION

The Fourteenth Session of the National Liberal Federation was held at the Indian Association Hall, Calcutta, on the 15th April 1933 under the presidency of Dewan Bahadur M. Ramchandra Rao. *Mr. J. N. Basu*, Chairman of the Reception Committee, in his welcome address, observed :—

On behalf of the Reception Committee, I extend to you a cordial welcome to Calcutta at this momentous session of the National Liberal Federation. It has been a great pleasure to us that at this session of the year many of you have travelled long distances to perform a public duty of the highest importance. We are passing through uncertain days when trouble or peace for the future is being shaped. The Government of India Act of 1919 laid down that there should be an enquiry once in every ten years to decide upon the further advance to be made in the political constitution of India. A new system known as Dyarchy was introduced in the Provinces, attempting to combine Bureaucracy with Responsible Government. In actual operation the machinery of Dyarchy did not respond in the way expected by the framers of it. There were deadlocks in some of the provinces and the administration of the transferred departments had to be taken charge of by the Governor. Where Dyarchy was attempted to be worked, the machinery at the disposal of the Ministers was so heavily over-weighted with the tendencies and prejudices of the permanent services, that, instead of the people's voice through Ministers being operative in the Government, the moving springs of the administration remained practically unaltered.

After the Montagu Reforms had worked for some time, it became apparent that the constitution that they established was incapable of being worked on the basis of real responsibility.

At the first election after the passing of Montagu Act, the Congress stood out of the legislature. Only those that had from the commencement desired to give the new experiment a fair trial went in. At the next elections which took place three years later, the Swaraj Party, which was a powerful wing of the Congress, went to the legislatures. In the Province of Bengal obstruction was resorted to by that party so that the establishment of the stable ministry became difficult.

In 1924, there was a discussion in the Legislative Assembly about the further widening of the reforms. The Muddiman Committee was appointed, and there was an enquiry as to how the constitution could be broad-based. There was a report by a majority of that Committee as also a report by the minority. But the insistent desire for further expansion, about which there could be no mistake, remained unsatisfied. The then Secretary of State for India felt that some step was necessary, Lord Birkenhead attempted to meet the situation by the appointment of an all-British Commission. It is not necessary to recapitulate what happened in this country after the appointment of the Simon Commission. Except a few sectional and class interests, the whole of the country refused to be in any way associated with the work of the Commission. The people as a whole kept itself aloof from the Commission. The large political organizations and those public men who had worked for the general advancement irrespective of special interests or of classes and creeds felt that they could not in the best interests of their country and with due regard to her prestige take part in the work of the Commission. Sir John Simon and his colleagues proceeded on the basis of the scrappy and one-sided materials placed before them supplemented by what the permanent officials thought fit to bring before them.

Lord Irwin saw the difficulty of imposing a constitution on India from outside without the assent of the people. He therefore conceived the idea of a Round Table Conference where representatives of Great Britain and of India should confer together and try to rub off their angularities with a view to arrive at a common agreement regarding the future constitution of our country.

When the first Round Table Conference was convoked there was no definite proposal that Indian States should join the British Provinces to constitute a Federation. But before the delegates to the first Round Table had reached England, the idea of a Federation had been developed and a certain number of British Indian delegates as well as some of the Ruling Chiefs accepted the idea of Federation as the form for the Central Government of India.

The details of the constitution of the Central Executive and the Central Legislatures were partly gone into at the first Conference, but the enthusiasm of the moment to some extent stood in the way of a careful study of the conditions under which the Indian States could combine with the British Indian Provinces in order to constitute a Federation.

Shortly after the first Round Table commenced it was apparent that too much care was being bestowed on questions of minor interest. Questions of the political status of the people in general and their political power receded to the background while questions of the interests of certain services and of certain commercial men and the voice of some who were there to represent certain minority communities appeared to attract an amount of attention wholly disproportionate to the importance of the issues involved in building the chariot of the State. The free and smooth movement of the wheels was neglected while much greater attention was paid than was needed in fitting up the brakes and clogs, so that the chariot that was designed as a result of the discussions was likely to be one that could hardly move because of the various obstructions put in the way of free movement.

The second and the third Round Table Conferences concerned themselves to a large extent with questions which were not deemed to be of importance in the framing of other constitutions. The deliberations of those Conferences gave rise to the idea amongst many people in this country that the rights and liberties of the people in general were matters of much smaller importance than the interests of certain public services and special privileges to certain minorities and similar smaller questions. The demand voiced by all classes and creeds of Indians for Dominion Status for their country was for the time being brushed aside while demands of the services as regards future appointment and control met with a ready hearing, and the demands of certain creeds and classes who were not in a majority for special treatment in excess not only of their proportion in the population but also of their importance from the point of view of their education and their contribution to the public life of the country, also received a ready hearing.

The Liberals have always been opposed to separate communal representations by means of Communal Electorates and Reservations of Seats on a communal basis. Different communities and creeds have existed in all countries and in all ages, but the countries that have made greatest progress have been those that have not emphasised the differences between creeds and classes, but have provided even treatment for all without distinction of creed or class.



For some special reason of which we are not aware, it was thought that India should be treated in a special way. The British Indian representatives at the Round Tables were asked to arrive at a communal settlement. It was forgotten that once the poison of different classes and creeds is introduced it is difficult to eradicate the poison. When the Minto-Morley Reforms first introduced separate communal representation in this country, it was expected that after a little time separatist tendencies would disappear, but the flame of separatism has not been permitted to die out. There have been persistent attempts in some quarters to keep the flame alive by various devices.

After the failure of the British Indian Delegates to arrive at a communal settlement and after the curious documents known as the Minorities Pact came into being, came the Communal Award of the Prime Minister. It sought to create mutual jealousies and differences amongst the people and to divide them into contending factions and served to deprive them of a common platform and of a common patriotism. The Communal Award not only seeks to build up stone walls between the Hindus and Mahomedans but it also seeks to divide the Hindus into contending factions. Other constitutions provide for the upholding of the rights of individuals and minorities through the help of Judicial Tribunals. In India it has been sought to create statutory devices for taking away power from those who by their work in the past for the uplift of the people and for general world progress have shown their ability to shoulder responsibility. Power has been sought to be placed on new and in many cases untried shoulders. What is worse, the differential treatment has given rise to a spirit of antagonism which did not previously exist and which will take a little time to subside. There is no doubt that devices like these cannot last. But they will tumble down only after more discontent has spread. In other Provinces some minorities though backward in education and in contribution to general public advancement have been given heavy weightage, while in Bengal, heavy weightage has not gone to an important minority community but to a majority community capable of looking after itself. There is no common principle underlying the communal divisions and proportions have been fixed on a basis difficult to understand.

After the Communal Award, followed the White Paper, which can hardly be said to be a message of peace and goodwill. It is profusely punctuated with hesitation and mistrust. It has not so far struck the chord of mutual trust or goodwill in the minds of the people of this country. We belong to a cautious and patient political group. We resist being borne down by passing phases or impulses. But as the year roll by, we have noticed with concern the growth in India of distrust and discontent. It was for Britain, which has the controlling voice, to make an unmistakable gesture. I only trust that the lessons of history and true appreciation of the forces that move humanity will not be lost sight of and that in ultimately shaping the constitutions such form and life would be given to it that it can function as a self-governing unit developing its own individuality united to Great Britain by bounds of amity and common interest.

I do not refer to the details of the scheme as outlined in the White Paper. The uncertainty about the establishment of central responsibility, the legislative power given to the head of the executive administration, the placing of the All India services under the control of the Secretary of State, some of the commercial and financial safeguards and various other details are matters about which there is grave anxiety and concern. Our discussions in course of our sessions will show where difficulties will arise in the practical working of the constitution.

#### Mr. Srinivasa Sastri's Advice

In proposing Diwan Bahadur Ramachandra Rao to be the President of the session, the *Rt. Hon'ble V. S. Srinivasa Sastri* : (says a "Liberty" report), pointed out that Mr. J. N. Basu, Chairman of the Reception Committee had said that the ruling characteristics of the Liberals were caution and patience. "Our deliberations", proceeded the speaker, "is not less important because the streets in front of the hall are not crowded, because the policemen can go about their business without their pulse beating faster, or merely because our speeches are delivered amidst scenes of moderation and peace."

Proceeding Mr. Sastri said : "I am sometimes supposed to play a dubious part. One of your leading newspapers, the other day, brought to light something in my life of which I am not aware. Somehow it ascribes to be degree of influence in the political field which I wish I possessed in part.

Assuming that I have that influence I wonder how I shall use it to-day.

In the year 1930 I was deputed by the Government of India to give evidence on their behalf for the Indian community before a Joint Committee of Parliament then enquiring into the affairs of East Africa, the idea being to bring to their notice the chief features of the case of the Indian community in the colony of Kenya, which has been for years in an acute condition. Their political relations with the white community in that part of the world have not been altogether happy. About 1922 this difference reached a very acute stage. A solution was then made by the Cabinet which like many other solutions in the political field only left the political situation worse than ever. In 1930 I had to speak from a very hard brief indeed. The committee's labours were chiefly directed to find out how far the political status of Kenya might be advanced from that of a colony to responsible government. The European community made strong representation in their behalf and it was chiefly to discovering how their demand could be met that the attention of the committee was directed.

In putting our case to them I came upon an unexpected difficulty. The white community through their representatives made a startling statement that they would take back their demand and that they would bring them forward if they thought fit at a later time. It was somewhat strange that the principal agitators for a great change should come before the Parliamentary Committee and ask that their agitation should be ignored and that the old condition should be left as it was.

The explanation was somewhat, if I might say so, underground. It was something to this effect. The Government of the day was Labour Government; and as you know, the policy of, generally speaking, equality of races and communities is not particularly friendly to ideas of domination and exploitation with which lives of Britishers in outlying parts of the Empire are chiefly bound up. They found, as a matter of fact, that the political atmosphere of Great Britain was not auspicious to their demands and it would be wise for them to lie low for a while until the chance of political life in England might bring to power a Government likely to be more friendly to their particular demands.

This long story might seem to you to be irrelevant but it should not be forgotten that I began by saying that I am wondering how I should use my political influence of the first order if I commanded that.

I believe our political fortune is now at such a low ebb that if I could I would really withdraw national demands for a while. I would beg our leaders not to press them forward on this occasion, for they seem to be coming up against a dead wall with results which might be somewhat worse.

I do not offer you that counsel of despair. The only reason for that is not that it would not be wise to do it if it were possible but that it is impossible.

We cannot stop the political machine from moving at our bidding. A great deal of momentum has been gathered. Not we are in charge of the machine—not one party or one community, Britishers, Hindus or Mahomedans—interests of all kinds—this country of India has been called a country of minority and interests—it is these who have got hold of the machine. It is bound to operate.

Our business is to see that we take a hand in it if possible, and that if we cannot improve, we shall, at least see that we do not go back. This is not the time, therefore when we can afford merely to stand by and let things pass. If we had wisdom, experience, moderation, power of persuasion and quiet influence, real efficiency, this is the time to display them in their fullest strength.

I therefore am deliberately of opinion that they are wrong who would advise to leave things to themselves. It seems to me that if we are to contribute our share to the result, we cannot do it better than under the guidance of Dewan Bahadur Ramchandra Rao."

### The Presidential Address

*Dewan Bahadur M. Ramchandra Rao*, President of the Conference, delivered a lengthy address. He began by saying that they were meeting to-day at a time of unexampled stress and strife throughout the world. A vast volume of hatred, just and unjust, partly social, partly nationalist, partly the mere reaction of intolerable misery had grown up everywhere. The reactions of the world movements on the economic and political life of this country, had created a most serious situation. The agrarian problem throughout India was very acute and the tillers of the soil were not able to pay their way. It was impossible to foresee the very grave consequences of the indefinite prolongation of the present depression and the

continued fall of the commodity prices as a whole. Sir Samuel Hoare and Sir George Schuster were never weary of congratulating themselves on the maintenance of the financial stability of this country as evidenced by the flotation of Government loans. But they had never realised the consequences flowing from the present helpless condition to which the people had been reduced by the high level of taxation. None but the blind could fail to notice the cumulative effect of the conditions prevailing at the present day throughout the country.

Proceeding, Mr. Ramachandra Rao said :—

Grave as the economic and financial situation is, the political situation is still graver. The spirit of world politics since the termination of the Great War and its reactions of India and the march of events in this country since the introduction of Montagu-Chelmsford Reforms have strengthened the Indian National Movement to such an extent that the Indian political problem has now become a world problem. It was during Lord Irwin's Viceroyalty that the movement attained a momentum, which, if it was not wisely handled, would have ended in irretrievable disaster. The five years of his term of office as Governor-General have therefore, been regarded as years of destiny for India. His personality and that of the great protagonist of Indian freedom, Mahatma Gandhi, have caught the imagination of the people and rivetted the attention of the whole world on India as perhaps nothing else had done. These two have played a very great part in the recent political history of this country. Lord Irwin laid down his office in April 1931 to the universal regret of the people of this country. But it was during his Viceroyalty that a fundamental permanent change in both the quality and character of India's relationship with Great Britain took place. This change was fittingly and truly symbolised by the summoning of the Round Table Conference, and the settlement known as the "Gandhi-Irwin Pact". The change was intended to secure co-operation between Great Britain and India on equal terms in the framing of the Indian constitution and India's participation in shaping its own political destiny. The Gandhi-Irwin Pact is an emphatic negation of an Imperial philosophy which is out of date and out of harmony with the present-day facts. It is an open recognition of the fact that a willing and contented India can be kept within the British Commonwealth of Nations, only by an agreement with the people of this country. But this settlement was not to the liking of the official hierarchy and the Pact was looked upon as an alliance with lawlessness and disorder and as an exhibition of weakness on the part of Lord Irwin. The precipitate arrest and imprisonment of Mahatma Gandhi on his return to India after the second sessions of the Round Table Conference was one of the gravest blunders in the recent political history of this country. Sir Samuel Hoare and His Excellency Lord Willingdon have often congratulated themselves on the outward calm that has been produced by their present policy. But everybody who knows the political forces now working in the country, knows also very well that the irritation and unrest caused by this policy has driven discontent underground. Mahatma Gandhi, therefore, still dominates the political situation though he is in prison and away. Political settlement without his goodwill and co-operation cannot be an enduring one. Whatever be the differences of opinion between us and him as to methods and outlook, the cause that he represents is the cause of Indian freedom so dear to all sections of the Indian people. In the felicitous words of our distinguished friend, the Right Hon'ble V. S. Srinivasa Sastri at the opening session of the Round Table Conference, the men and women who are following the lead of the Mahatma "are not hereditary criminals ; they are savage barbarian hordes ; they are not the sworn enemies of Great Britain or of British institutions. They are men of culture, men of honour, most of them men who have made their mark in the profession. They are our kinsmen, both in spirit and by blood. It is a sense of political grievance that has placed them in this position which we view with so much distrust and so much disapprobation. Remove that discontent and you will find them alongside you, working the new constitution that we shall frame to its highest issues and drawing from those new institutions that we frame all the benefit of which they are capable". If these words of wisdom had been borne in mind, the present representatives of His Majesty's Government in India would not have again pursued a policy which produced the very conditions to avoid which the Round Table Conference was summoned. It is, therefore, a grave mistake to suppose that this cause has weakened or that the political forces behind the Mahatma do not continue to occupy a dominant position in the politics of this country. The revival of the Ordinance rule and the persistent refusal of His Majesty's Government and of the authorities in India to release him and his political associates



until they make an open confession—or what virtually amounts to it—that they have been beaten is a complete reversal of the Irwin policy. Sir Samuel Hoare's declaration that he does not want a drawn battle between the Government and the Indian National Congress shows the spirit animating British policy to-day in dealing with an essentially political problem. The appeasement of the people and the promotion of good understanding between the Government and the political leaders of the country cannot be secured till there is a change of spirit. The obduracy of the Government in this matter, notwithstanding the repeated requests of our leaders, has added considerably to the difficulties of the situation.

The great change in the political atmosphere in this country since we last met under the presidency of my distinguished friend, Mr. C. Y. Chintamani, is due mainly to the change of Government in Great Britain. A great financial and political crisis had overtaken the Labour Government which went out of office and men like Messrs. Wedgwood Benn, Pethwick Lawrence and Lees Smith who did yeoman service to our cause and whose broadminded sympathy with our political aspirations was beyond all praise disappeared from the scene, and we thus lost their valuable service to India. The advent of the National Government and of a new Parliament during the Second Session of the Round Table Conference, constitutes one of the most dramatic developments in the history of British political life. These events have had the most far-reaching consequences on the work of the Second and Third Sessions of the Round Table Conference and in the formulation of the proposals contained in the White Paper. We have been frequently assured by some of the members of the present Government that there is no change in the spirit of British policy or in its outlook towards India in consequence of these political changes in Great Britain. During recent years many expressive political phrases indicative of different mental attitudes in relation to India have come into vogue in British Parliamentary life. Mr. Wedgwood Benn's very memorable phrase "the Birkenhead tone" can never be forgotten. "Irwinism" was freely used in the debates of the House of Lords where Lord Burnham described it as "the quintessence of weakness." Even "Willingdonism" has come into vogue as an antithesis to "Irwinism." Whatever be the value of the assurances that are given to the contrary, nobody acquainted with the present day tendencies of political life in Great Britain will say that the change from the late Government and the late Parliament to the present Government and the present Parliament does not indicate a change of attitude in regard to the political problems of India. The huge Conservative majority of the present Parliament has been regretted even by some of the prominent leaders of the Party and is a source of great embarrassment to them. The British Parliamentary system is based on an effective Opposition and in the case of the present Parliament, the Opposition has become so weak in numbers and prestige that it has ceased to be an effective check on the actions of the Government.

It is widely felt, however, in the country that many politicians who belong to the "govern or get out" school of British politics are now in Parliament, and the recent British policy in relation to India is not a little due to the pressure exercised by these politicians on those charged with the administration of Indian affairs. We do not see anywhere the spirit of conciliation and good-will and the desire to come to an enduring settlement between the Indian people and the British nation. The doctrine of force has again been enthroned in the counsels of the Government. I venture to think, however, that the responsibility be placed on the shoulders of Government. There was much that was done by both the sides which precipitated the crisis with such disturbing effects on the course of events in this country. Of the two principal actors in the present political stage in India His Excellency Lord Willingdon, the present Viceroy, a few days after his arrival in this country, expressed a wish that he might go down to history as the first constitutional Governor-General of India, a wish and ambition, I believe, he still cherishes. Within a few months after his arrival, he took the responsibility for initiating a policy of repression, which, even according to Mr. Winston Churchill, is the most severe since the Indian mutiny. The suspension of the ordinary laws of the country, the reign of ordinances and the revival of all kinds of excesses for a whole year was the result of this policy. In regard to the Mahatma, it is conceded on all hands that when he returned to India, he had no intention whatever to revive the Civil Disobedience movement.

The fact, probably is, that both the Government of India and the Indian National Congress did not shake off their war mentality even after the Pact. It was well-known that the former had completed their preparations for meeting the revival of

Civil Disobedience while in certain Provinces politics had taken a turn which had caused grave misgivings even to Congressmen. Had Lord Willingdon given an opportunity to Mahatma Gandhi to have a heart-to-heart talk with him, which he desired, it is very probable that the history of the last fifteen months would have been very different. That two such men should be responsible for the present state of things is a tragedy. The Indian political firmament, is, therefore, thickly clouded and cannot improve till the realities of the situation are again recognised. The Government of India have entirely failed to create a favourable atmosphere for the consideration of the proposals of His Majesty's Government contained in the White Paper. After the declarations made from time to time, that His Majesty's Government would endeavour to frame a constitution for India based upon the willing consent of the people of this country, it is inconceivable that they should now proceed to enact a new constitutional structure for India without giving an opportunity to the many men and women who are now in prison to say what they think of it. The words of Lord Irwin in his parting message to India in regard to the many men and women who are now in prison to say what they think of it. The words of Lord Irwin in his parting message to India in regard to the constitutional settlement between India and Britain are still ringing in our ears. He said:—"The only way of achieving the end is by a synthesis of the best statesmanship of the East and West, by the collaboration of the two parties working side by side, not in any huckstering spirit as to who would get the best of a bad bargain, not with a view to this or that individual, or this or that community gaining advantage or victory over a rival, but with the sole purpose of creating and perpetuating a prosperous, strong, contended India, embracing both British India and the States as an honoured member of the British Commonwealth of Nations." A successful working of the future constitution of India can only be secured by carrying out the spirit of the message of Lord Irwin. In bringing the present proposals for the future Indian Constitution for final consideration in the circumstances in which we find ourselves, to-day, His Majesty's Government have entirely failed to recognise the requirements of the situation. The proposals contained in the White Paper have already been subjected to a good deal of criticism throughout the country in the public press, in the Provincial Legislatures and the Central Legislature, in Conferences and Associations, in communal organisations and by public men of all schools of political thought. The one striking note of all these utterances is a sense of profound disappointment with these proposals. His Majesty's Government cannot now be under any mistake about the reception of these proposals in this country. Before referring to the proposals in detail, I should like to place before you two outstanding facts. In judging of the present scheme, we cannot forget what nationalist India has been demanding all these years and the pledges made by His Majesty's Government from time to time.

The question is whether the proposals now made in the White Paper have carried out these solemn pledges and whether the scheme adumbrated therein lays the foundation necessary for raising India to the status of a self-governing Dominion. The answer to this question can only be in the negative. The only way in which these pledges can be carried out is to give us a constitutional charter which, while recognising the status of India as equal to the other self-governing Dominions, would provide us with the structure of a constitution which would finally establish the same form of Government as prevails in the self-governing Dominions without a periodical examination by Parliament of the Indian problem. Even the Indian Statutory Commission dwelt at length on the evils of a temporary constitution and they devoted a whole chapter to the mechanism of advance. In their view the new Constitution should, as far as possible, contain within itself provision for its own development without any revision at stipulated intervals. The statement made in the recent debate of the House of Commons by Sir Samuel Hoare "that Britain's pledge to India was not the grant of self-government as all of us have been thinking, but the continuous bestowal of new instalments of constitutional progress" has, therefore, come as a surprise and has caused the most profound disappointment throughout the country. His interpretation of the pledges, I venture to say, is totally opposed to the letter and the spirit of the declarations made by Lord Irwin and by the Prime Minister on behalf of His Majesty's Government at the Round Table Conference. The Conference was not summoned merely for the purpose of evolving further instalment of reform, but to come to an enduring settlement with the people of this country and to keep this country as a contented member of the British Commonwealth of Nations. In these

circumstances, we do not see anywhere in the scheme, any attempts made by His Majesty's Government to set up India as a self-governing Dominion from now, or to lead to it in the near future, with a period of transition, during which certain powers will be reserved in the hands of His Majesty's Government.

There is another equally important feature of the present proposals which had greatly disturbed the public mind. Sir Samuel Hoare gave the most emphatic assurances that His Majesty's Government are committed to the simultaneous introduction of responsibility at the Centre and Provincial autonomy in the Provinces and that His Majesty's Government will do everything in their power to remove all obstacles to the Federation. Notwithstanding these assurances, nothing has been done so far to remove the existing obstacles. On the other hand, the difficulties in the way of the Federation have been still further accentuated. A mere enumeration of all of them together will show the stupendous nature of the conditions set for the purpose. In the first place, the establishment of the Reserve Bank is a pre-requisite to the inauguration of responsible government at the Centre but the establishment of the Bank cannot be undertaken "until the Indian budgetary position is assured and until the existing short term debt is substantially reduced and adequate reserves have been accumulated and also until the India's normal export surplus has been restored." These are all dependent on world economic conditions and he would be a bold man who can prophesy when these conditions will be fulfilled and when the Reserve Bank will be established. In the second place, His Majesty's Government have stated that the Federal constitution can only be brought into operation when the rulers of the States representing "not less than half the population of the Indian States and entitled to not less than half of the seats to be allotted in the Federal Upper Chamber" shall have executed instruments of accession. It was expected that the rulers of the States would be able to give an indication of their minds in this respect. The recent proceedings of the Chamber of Princes have, however, not only given us no indication, but have strengthened the doubts that have existed as regards the creation of an All-India Federation. On the top of these difficulties, the White Paper lays down a further condition that the Federation cannot be brought into being unless both the Houses of Parliament present an address to the Crown with a prayer for the promulgation of a Royal Proclamation for bringing the Federation into being. Apparently, the procedure in the British constitution for the issue of a Proclamation after the presentation of the address by both the Houses is intended to mark the solemnity of the occasion and has some constitutional importance. The White Paper has made provision for the solution of all kinds of conceivable situations in the working of the new constitution. If it is expressly provided in the new Constitution Act that the Federation can be brought into being only after the presentation of an address by both the Houses of Parliament, one may legitimately ask what is to happen if one of the two Houses refuses to vote the address for the promulgation of the proclamation. Is the inauguration of the Federation to wait till the differences between the two Houses are solved? In the face of all these difficulties for the creation of an All-India Federation some inherent and some contrived, anxiety has been felt that if the Federation does not materialise, the question of responsibility at the British India Centre should be immediately taken up, and representations have been made to His Majesty's Government on this matter during the sittings of the third Session of the Round Table Conference. His Majesty's Government have, therefore, stated in the White Paper that "if causes beyond their control should place obstacles in the way of their programme for the introduction of a Federation Constitution, they would take steps to review the whole position in consultation with Indian opinion". Notwithstanding this express statement in the White Paper, Sir John Simon has stated in the debate "with the greatest firmness and without any qualification whatever that he understood to be the Government's and Sir Samuel Hoare's policy that if the conditions for an all-India Federation are not fulfilled it was not proposed in the White Paper that there should be development of self-government at the centre". This statement has not been contradicted by Sir Samuel Hoare and is a fundamental departure from the considered decisions of His Majesty's Government.

The one prevailing note of all the utterances of Indian representatives at the three session of the Round Table Conference was that British India will not accept any constitution unless provision is made therein for responsibility at the centre. In his opening speech in the recent debate, Sir Samuel Hoare has himself admitted this fact. "Every one" he said, "was anxious to see autonomy started in the Provinces



but we must realise that there was little or no chance of that being achieved in a reasonable atmosphere of goodwill if we did not at the same time make proposals covering the Federal Centre. The desire to enact a constitution with the willing consent of the people of this country, has altogether disappeared and Sir John Simon apparently desires to force a constitutional scheme on India whether there is good-will of the people behind it or not. We have already spent three years in discussing and considering the problem of an all-India Federation, and if it fails to materialise, we have no assurance as regards the introduction of responsibility in the British India Central Government, and Sir John Simon has gone so far as to state that this matter will not come up for considering. I have referred to these two matters at the outset as they go to the root of the whole scheme. Without a modification of the scheme in these two essential matters there is no chance of the acceptance of the proposals in the country.

The insistence of the Princes that their sovereignty should be fully preserved and respected, that their rights under treaties, sanads or engagements should remain "inviolable and inviolable" and that the rights and obligations of the Crown to the States should remain wholly un-altered after the establishment of the Federation was somewhat inconsistent with their desire to enter an All-India Federation. The creation of the Federation necessarily involved not only a surrender in the sovereignty of the Princes in regard to matters placed within the Federal sphere, but also the modification of the rights and obligations of the Crown to the same extent; otherwise, the existence of the Federal Government on the one side and that of the Crown on the other with all its rights and obligations, must end in conflict of authority in the federal sphere and the position of the Indian States under such a state of things could never be happy. Though there was no express statement in the White Paper as to how far the rights and obligations of the Crown in relation to the Indian States would be modified by the establishment of the Federation, it was clear that the creation of a separate office of the Viceroy apart from the Governor-General for the exercise of the functions of the Crown in regard to the Indian States in the non-federal sphere, was necessarily based on this assumption.

It was essential, the President observed, that the Governor-General-in-Council should continue to be the Agent of the Crown perhaps with the exception of personal matters such as succession, etc. In case of a conflict between the Viceroy and the Governor-General, nobody could have any doubt that the Viceroy would win in the long run.

A number of other points in the Scheme of Federal Constitution outlined in the White Paper, were discussed by Mr. Ramchandra Rao. After dealing with the military safeguards, financial safeguards, commercial safeguards and safeguards of the services, Mr. Ramchandra Rao said: "The division of resources between the Federation and the Units has been one of the outstanding difficulties of the scheme. The supreme importance of an adequate financial system for the maintenance of a stable Federal Government in the country fully capable of discharging the duties entrusted to it is obvious. The Peel Committee, the Percy Committee, and the Davidson Committee have examined the problem of finance in all its aspects and made various recommendations on the subject. The third session of the Conference tried to harmonise all these proposals and has put forward a tentative scheme and the proposals in the White Paper are practically the same as those generally discussed at the Conference. Nevertheless, there are many parts of the scheme on which no final agreement has been reached. Many of the difficulties of Federal Finance are due to the unwillingness of the States to permit direct taxation by the Federation for Federal purposes in their own territories. The States will not agree to the imposition of income-tax in their area for federal purposes and the Corporation tax is the only tax which they have consented to levy. The proportion in which the income-tax is to be shared between the Federation and the Provinces has not yet been decided. It is believed that the Provincial share of this tax will be something between 25 and 50 per cent but the Provinces will be permitted to levy a surcharge on income-tax for their own purposes. But whenever the Federal Legislature is obliged to impose surcharges on taxes on income in British India the Federating States will pay a proportionate contribution to the Federal revenues but without the obligation of levying the tax in the form of an income-tax. The existence of "immunities" and "contributions" paid by the States to the Indian revenues are other factors which have complicated the whole situation. On the top of these we have deficit provinces like Northwest Frontier Provinces, Sind and Orissa, which would receive subventions from federal revenues and those may be permanent or terminable after a period of years. In all these circumstances it is clear that the present scheme of Federal finance

is transitional and that a further enquiry into the whole scheme of financing the Federation is inevitable.

In bringing this imperfect examination of the problems relating to an All-India Federation to a close, I desire to say that much of my criticism about the working of the Federal Legislature and the Federal Executive is equally applicable to the provincial sphere. The special responsibilities and discretionary powers of the Governors are more or less the same as those of the Governor-General. They will have the same autocratic powers in the administration and the minister's responsibilities are crippled in all directions. The Governors will have the power of enacting the Governor's Acts, Ordinances and also have extraordinary powers in regard to the appropriation of revenue. In many respects the position of the Ministers will be much worse than it is under the existing constitution and the Governors will have the right of over-ruling the Ministers at every turn. It has been suggested by some of the Governors of the Provinces that these safeguards and discriminatory powers for carrying out their special responsibilities are not intended to be exercised often and that their exercise by them will largely depend upon the Ministers and the legislatures. This is not the view that has been taken of these safeguards in the Parliamentary discussions. The question as to what view the Governors will take of their action in any case must be perpetually present in the minds of the ministers and a free and unfettered exercise of their responsibilities in the circumstances is impossible."

Dealing at some length the problem of defence, Mr. Ramachandra Rao pleaded for a new orientation of military policy.

It is a matter of the utmost regret, he said, that His Majesty's Government have practically refused to face the implications of the new policy. The only reference in the White Paper to the pace of Indianisation of the Army is that it would be commended to the Governor-General in the Instrument of Instructions. This practically means that while His Majesty's Government are pledged to the transfer of responsibility to Indian shoulders, they have practically refused to adopt any reasonable measures to transfer the defence of the country to Indian shoulders. For all these reasons it is absolutely necessary that we should strongly press for a new orientation of the policy of military organisation in this country. We must demand for a definite scheme for the gradual withdrawal of British troops and for the creation of a National Army in which every class and community should be allowed to shoulder the burden of defence and given the opportunities to serve in the army. It is essential that the Army should, as far as possible, be drawn from all classes and areas and that the responsibility for the defence of the country should be brought home to all sections of the population. This responsibility for national defence cannot be discharged merely by contributing a certain amount of money to meet the Military expenditure for the maintenance of a professional Army drawn only from particular classes. In fact, the National aspect of defence must be brought home to every citizen in this country. This is the fundamental change that we demand on the inauguration of the constitution and an announcement of this new policy by His Majesty's Government and the steps taken to give effect to it will be the only way in which they can convince our countrymen of the sincerity of their intentions. Unless these steps are taken, I have no doubt that the past policy will still dominate the situation and the nationalisation of the Army will be indefinitely postponed.

In conclusion, Mr. Ramachandra Rao said :—

We are already on the highway for the creation of another Ireland in this country and the present scheme is not, I venture to say, of a kind that will divert the course of events. Unless the present proposal are very substantially improved, there is no chance of any political peace in this country. We may be driven to accept an imperfect constitution but even a poor constitution may work and yield results if a strong and united party in this country with its roots among the masses is bent upon extracting from it the utmost that it would yield. The essential need, therefore, is united action among the political parties and leaders at this supreme crisis in the affairs of the country. Many of those who have preceded us in this national struggle have been gathered to their fathers, while some of us who are still in the field belong to a fast vanishing generation. My last words are, therefore, addressed to the younger men whom I see before me and who have to carry on the fight for our national freedom till our emancipation is fully assured. Difficult as your task is, do not despair, for despair is a keynote of failure. The pendulum may be swinging forward and backward, but the hand of invisible time is perpetually marking its

progress on the dial of the destiny of our country. There is no royal road to freedom. Reverses there must be; but reverses should only stiffen your backs. I expect you, therefore, to carry on the fight for the evolutionary progress of our country and for the attainment of our freedom till the goal is reached.

## SECOND DAY—CALCUTTA, THE 17th, APRIL 1933

### 1. Release of Political Prisoners

At the Liberal Federation to-day, Mr. J. N. Basu moved a resolution that "while disapproving of the Civil Disobedience Movement, the Federation emphatically protests against the method of repression employed by the Government which have led to an increase of discontent by reason of needless and unjustifiable harshness and to growing alienation of public opinion. The Federation urges equally on grounds of expediency and justice, the release, without delay, of Mahatma Gandhi and other Congressmen, convicted mostly of technical offences, involving non-violence, or detained without trial under the ordinances and special laws which are a continuation thereof. At the same time, the Federation makes an earnest appeal to the Congress to abandon the Civil Disobedience Movement in order to avoid further misery and suffering and in the best interests of the country. The Federation equally appeals to the Government to adopt a policy of wise conciliation.

Mr. Basu said that the non-co-operation movement which was born of despair, had done much more injury to the people themselves, than to those against whom it was directed. He advised his countrymen not to give way to a spirit of despair but to go on in a spirit of trust. He appealed to Britain to so regulate her action and policy that there might be no further spread of the exasperation and ill-telling now existing.

Mr. N. M. Joshi (Bombay), seconding the resolution, said that he was not one of those who held the view that every form of Civil Disobedience was unconstitutional, but Liberals could not approve of Civil Disobedience in any form as a matter of policy. To the Congress he would say that although constitutional means might be long and tedious, still they should be adopted as being the right one. To the Government he would say that although law and order might be established by extraordinary measures like ordinances, these should not be resorted to in the interests of the liberty and freedom of non-Congressmen. The time had come when both the parties should cry a halt. Let the Government remember that the country was much greater than the Congress and the party.

The resolution was passed.

### 2. Resolution on the White Paper

The Rt. Hon'ble Mr. V. S. Srinivasa Sastri then moved :—

(a) The National Liberal Federation of India records its sense of profound disappointment at the proposals of Indian Constitutional Reform embodied in the White Paper of March 15, 1933. The proposals do not advance India to the status of a Dominion, and nowhere is there even a mention of this as the objective. They are overweighted by Safeguards which are informed by distrust of Indians and which are not only not demonstrably in the interests of India during a transitional period, but are much more in the interests of the United Kingdom. These proposals make no real and substantial transference of power to responsible Indian Governments.

(b) The Federation desires to make it clear, once again, that no scheme of reforms can meet India's requirements, or satisfy Indian National aspirations, or allay political discontent which does not confer the full status and powers of a Dominion on India within a short period fixed by the statute.

(c) (i) The Federation is strongly in favour of an All-India Federation on terms equitable to both British India and the Indian States, and on lines consistent with responsible Government and appeals to the Ruling Princes and the British Government to take all steps necessary to bring this about without any avoidable delay and almost synchronously with the reform of Provincial Governments.

(ii) The Federation cannot approve of the conditions laid down as precedent to the inauguration of a Federation as they make for undue delay, and are neither necessary nor reasonable. It does not accept the prior establishment and successful functioning of a Reserve Bank as a essential condition of Federation and Responsi-



ble Government, and it disapproves still more of the further stipulation that the general financial, economic, and political conditions must be favourable.

(iii) In addition, the Federation urges that the All-India Federal Constitution should come into being, as soon as the indispensable preliminary arrangements are completed, automatically as the new Provincial Constitution, and that fresh approval by the British Parliament must not be necessary.

(iv) In the opinion of the Federation, the rights of Paramountcy of the Crown, to be exercised by the Governor-General, and not by the Viceroy as proposed in the White Paper.

(d) The Federation is strongly of the opinion that a body of Fundamental Rights of Federal Citizenship, applicable to all component members of the All-India Federation, should be a part of the constitution act.

(e) If for any reason the inauguration of the All-India Federation should not materialise or be unduly delayed, there should be a responsible Central Government for British India concurrently with Provincial Autonomy, without prejudice to the effectuation of an All-India Federation, at the earliest possible date thereafter.

(f) (i) The Federation takes strong exception to the continued maintenance of the India Office of the India Council under a different name, and of the separate office of Secretary of State for India and to the continued control of the Governments in India by His Majesty's Government in England as proposed in the White Paper.

(ii) In the opinion of the Federation, such control should be strictly limited to the subjects not transferred to the control of Indian Legislatures for the period of transition, and should be exercised by the Secretary of State for Dominion Affairs.

(iii) In no event can the Federation reconcile itself to the continuance of the India Council in whatever form and for whatever purposes.

(g) The Federation condemns the proposals to confer on the Heads of the Government, Central and Provincial, of special powers under various names, powers of financial legislative and administrative, as being the negation of constitutional government. These proposals, if carried into effect, will make the Governor-General and the Governors even greater autocrats than at present. But the Federation does not object to the conferment of the Governor-General and the Governors of special powers in respect of clauses (c) and (f) of Paragraph 18 and clauses (b) and (e) of Paragraph 70 of the proposals in the White Paper.

(h) (i) While the Federation consents to the reservation for only a fixed transitional period of the subject of Defence in the hands of the Governor-General, it cannot approve of the proposals in this behalf embodied in the White Paper as they will retain complete control in the hands of the Secretary of State. It strongly disapproves of the non-acceptance of a clear policy regarding the complete transfer of the Army to Indian control at the end of the period of the transition.

(ii) The Federation further urges that His Majesty's Government should immediately frame a scheme for the nationalisation of the Army within a period of twenty years and for the progressive reduction of British troops in India with a view to their elimination as early as possible. It is further of opinion that the replacement of the Viceroy's Commissioned Officers should be postponed till the present British Officers in the Army have been replaced by the Indian King's Commissioned Officers.

(iii) The Federation strongly urges that recruitment to the Indian Army instead of being confined as at present to the so-called martial classes should be thrown open to all communities and provinces.

(iv) The amount of expenditure on defence should be fixed every five years by a committee of an equal number of experts appointed by the Governor-General and of members elected by the Legislature. And it should be at the disposal of the Governor-General without a vote of the Legislature which, however, shall have the right of discussion. Any excess over that amount will have to be voted by the Legislative Assembly. But in the event of hostilities on the Frontier, the Governor-General should be empowered to declare a state of emergency and appropriate the supply to meet it, without prior reference to the Legislature but he should report his action to it, and it should have the right of discussing it.

(i) While the Federation approves of a Bi-Cameral Federal Legislature, it is strongly of opinion that

(i) The strength of the Assembly should be 650 as recommended by the Lothian Committee, and not 375 as proposed in the White Paper.

(ii) There should not be in the Council of State any member nominated by the Governor-General.

(iii) All the members of the Assembly should be directly elected representatives from the federating units, some form of indirect election being allowed in the case of the States, as a transitory measure for fixed period.

(iv) The responsibility of the Government should be to the Assembly and not to both Houses assembled in joint session.

(v) A two-thirds majority should not be required for the success of a motion of "no-confidence."

(vi) The representatives of the States should have no rights of participation by speech or vote in the discussion of decision on subjects affecting British India alone including motions of "no-confidence" arising out of British Indian Subjects.

(vii) The Council of State should have no right of considering the demands for grants or money bills, and its power in respect of legislation should be limited as that of the House of Lords under the Parliament Act of 1911.

(viii) The Governor-General should not have the power of recommending that any Bill or part thereof should be passed in a particular form, or part thereof not be proceeded with or of certifying any Bill so as to make it a law without the consent of both the Houses of the legislature; and

(ix) The Governor-General should not have the power of certifying a demand or any part of a demand for a grant when it has been refused in whole or in part by the Assembly.

(j) (1) The Federation fully concurring with the Secretary of State that there can be no real transfer of responsibility without the transfer of financial responsibility to Ministers, regrets that this sound canon has been utterly disregarded in the White Paper proposals which while imposing upon them the duty of placing large and excessive power in the hands of the Governor-General, virtually reduce the Ministers to a position of powerlessness in the disposal of the bulk of it.

(2) The Federation records its deliberate conviction that the proposed financial safeguards are both unnecessary and objectionable and that the Government and the Legislature should have the same power in the sphere of Finance outside the region of reserved subjects as the Dominion Governments and legislatures.

(k) The Federation, while not at all in favour of any needless and vexatious restriction on the freedom of British Nationals doing or seeking to do business of with India, cannot support the White Paper proposals against commercial discrimination, as they will deprive the future Government and legislature, in large part, of the power that must reside in every such authority, to take from time to time such steps legislative and administrative, as may, in their judgment, be required in the interests of Indian trade and industrial development. From this point of view, the Federation must object to the powers proposed to be given to the Governor-General, whether in the discharge of his responsibilities in the sphere of External Relations or for preventing commercial discriminations to override the will of the Legislatures or the Government.

(l) The Federation objects to the creation of the Statutory Railway authority to replace the present Railway Board, as it is calculated to deprive the future Government and legislature of the powers which they should possess in the interest of the tax-payer. In any event, it should be left to them to decide the question, any provision in that behalf, should not be included in the constitution Act.

(m) The Federation is of opinion that the jurisdiction of the Federal Court should be co-equal and co-extensive in respect of all units of the Federation and that provision for a Supreme Court to function as a court of appeal for British India should be made in the Constitution Act itself.

(n) The Federation considers the proposal of the White Paper relating to the constitution of the Central Government in the interval between the introduction of Provincial Autonomy and of a Responsible Federal Government to be wholly reactionary and unacceptable as the position created thereby will be decidedly worse than the present highly unsatisfactory as is the latter.

(o) The Liberal Federation is constrained to remark on the unreal nature of the so-called provincial autonomy as outlined in the White Paper in view of the extensive special powers proposed to be conferred upon the Governors in all the spheres of finance, legislation and administration, and it objects to them without the least hesitation.

(p) The Federation reiterates the resolution passed at its previous session against separate communal electorates, and deeply regrets the further perpetuation, for the

time being, of such electorates not only as between Hindus and Mahomedans, but also as between different classes of the Hindus themselves, under the arrangements proposed for the new constitution. This Federation reaffirms the opinion that equitable representation of important minorities will best be secured by reservation of seats with reasonable weightage, wherever necessary, in joint electorates.

(q) (1) The Federation protests against the modifications for the worse made by His Majesty's Government in the Lothian Committee's recommendations regarding women's Franchise.

(2) It cordially supports the almost unanimous objection of Indian women's organisations to the forcing of women into communal electorates against their clearly expressed wishes.

(r) (1) The Federation has read with amazement the most reactionary and objectionable proposals of His Majesty's Government regarding the services, proposals of His Majesty's Government regarding the services, proposals contrary in the main to the recommendations of the Services Sub-Committee of the First Round Table Conference and never placed before any of the three Conferences for consideration. These proposals would, in the opinion of the Federation, reduce Provincial Autonomy and Responsible Government to a mockery, and should be abandoned if the coming Constitution is to have a change of success.

(2) As recommended by the Services Sub-Committee of the First Round Table Conference, the recruitment and control and determining of the emoluments of the Indian Civil Service and the Indian Police Service must, in future, be vested in the Government of India, subject to the safeguarding of the legitimate rights of the present incumbents. Recruitments of the Indian Civil Service Officers should not be made for judicial offices, and no such offices should anywhere be reserved for officers of the service.

(s) The Constitution Act should vest in the future Legislature of India the right to amend its provisions subject to reasonable and necessary safeguards.

(t) In conclusion, the national Liberal Federation of India deems its duty to record its strong conviction that the White Paper proposals, as they stand, cannot possibly satisfy even the most moderate section of progressive opinion and will far from appeasing unrest and allaying discontent aggravate the present unhappy conditions and further alienate public opinion from the Government, and greatly intensify the present acute and widespread discontent. A generous and far-reaching measure of real reform, on the lines of a Dominion Constitution, which will make India an equal member of the British Commonwealth of nations will alone meet India's requirements and satisfy the national self-respect of the people of India.

#### MR. SASTRI'S SPEECH

*Mr. Srinivasa Sastri*, moving the resolution said : "Let Government create political appeasement and satisfy the demands of the people and so far as the demands go, let me repeat for the hundredth time that Congressmen and we differ very slightly."

Mr. Sastri added that a study of the White Paper debates in the two Houses of Parliament convinced them that the ideal of Dominion Status as promised by Lord Irwin on behalf of His Majesty's Government was not even going to be admitted expressly by the National Government. While the Englishman to his advantage might forget the definite promise made by Lord Irwin, Indians must keep it in the forefront of their political programme and ask of the Englishman, reluctant and unwilling as he might be, to redeem that pledge made to a population of 300 millions.

Mr. Sastri observed that he had borne no part in the Civil Disobedience movement, but the statesmen who made the Empire and wished to preserve it could not forget the forces that constituted the very fabric of human nature. They could not forget that a movement of this kind might, for the moment, be suppressed, but if not handled properly and met justly and wisely in time, it was bound to reappear and when it did reappear, it might carry all before it.

Mr. Sastri continued : "It is perfectly satisfying to me to be a member of the self-governing Commonwealth, but I must be a member of this self-governing Commonwealth on equal terms with Great Britain, Canada, South Africa and other Dominions. Anything else than that, however camouflaged, will be unwelcome and be the seed of dispute".

Dealing with the question of Federation, Mr. Sastri said that if by any chance owing to the prejudice, ignorance and antipathy of the Princes this idea was frustrated,



they and their advisers would be regarded as enemies of India's political progress and as those who were willing to be used in order to block the way of India to the achievement of her destiny.

Mr. Sastri next referred to the question of the Services and asked if they had ever heard of a Responsible Government where a government of three hundred millions of people were not able to appoint their own Services. This, it seemed to him, was the very depth of absurdity. It seemed to him that India, whatever she did, ought not to submit to this indignity.

Finally, Mr. Sastri said that the momentum which the political agitation had gathered to-day, was mostly of the making of those who were responsible for the present movement. "Can we forget the countless sacrifices they have made? Can we forget the way in which they have been handled by the police in the streets in every town and village? Are all these sufferings going to naught? Sir S. Hoare is satisfied that he has put down the movement. I admit he has. But what is he going to do? Is it to recreate conditions which made that movement possible? Will he not in the course of five years, exactly revive those very noxious conditions which made the movement possible and even necessary? Believe me, if Conservatives are wise, they ought to use the lull they have produced to create in this country a wholesome feeling between the two races to make people and the Government one organic body, bent upon one common interest, which is the welfare of the whole population."

### Other Resolutions

The Federation concluded its session at 7 p.m., adopting a resolution protesting against the premature ratification of the Ottawa Agreement, the effect of which was generally considered by the people of India as likely to be more injurious than beneficial.

Another resolution accorded full support to the Swadeshi movement for the furtherance of Indian trade.

The Conference accorded the fullest support to the nation-wide movement for the removal of untouchability and the uplift of the backward classes and approved of the principles underlying the legislative measures now before the Assembly.

The next session of the Federation was invited to be held at Madras.

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# THE INDIAN NATIONAL CONGRESS

*47th. SESSION—CALCUTTA, 1st. APRIL 1933*

The following description of what was called the 47th session of the Indian National Congress was published by the "Advance" of Calcutta in its issue of the 2nd. April 1933:—

Animated scenes were witnessed on Saturday afternoon (the 1st. April 1933) at Esplanade, the heart of the city, when what was described as the 47th session of the Indian National Congress was held, under the presidentship of Smta. Nellie Sen-Gupta.

As already reported elaborate precautions were taken by the police to foil the holding of the session. The city was practically filled with policemen; the parks were all closed; close vigilance was kept on all possible shelters of the "delegates;" the leaders were all arrested; the "President-elect," Pandit Madan Mohan Malaviya, Mrs. Motilal Nehru, Mr. Aney, Dr. Alam, Dr. Syed Mahmud were all pounced upon and kept in safe custody.

During the last three days all Calcutta leaders like Smt. J. C. Gupta, Smta. Jyotirmoyee Ganguli, Smta. Urmila Devi, Dr. Pratap Chandra Guha Ray, Smts. Suresh Chandra Majumdar, Jatindra Nath Biswas and all district stalwarts were kept away safely from any possible activities. There were simply sweeping arrests—and it may be safely asserted that more than a thousand persons were taken into custody during this short period.

Yet it was certain that the session would be held, somehow and somewhere. People did not know any particulars. Needless to say the people were over-vigilant. Yet, it is reported that the "Subjects Committee" was held on Friday evening at prominent places in the city.

On Saturday after-noon, extra-police vigilance was in evidence at Esplanade junction, and it was apparent something unusual would happen. By 2 O'clock groups of people were seen moving towards Curzon Park. The police promptly swooped on them, and filled two vans with arrested men and women.

The Esplanade tramway shed was particularly kept clear and people kept at a safe distance.

Just as the clock struck 3, there was a bugle sound, and immediately Smta. Nellie Sen-Gupta with a number of "delegates" with National Flag and shouting "Bande-mataram" moved towards the tramway shed. Smt. Gopika Bilas Sen, said to be the 5th. Chairman of the "Reception Committee" and who accompanied Smta. Sen-Gupta proposed her to the chair. After Smt. Sen had concluded his address, Smta. Sen-Gupta rose and began addressing the gathering when Mr. Robertson, Asst. Commissioner of Police approached her and asked her not to proceed further with her speech which she refused.

Smta. Sen-Gupta was then arrested and escorted by Mr. Robertson along with Smt. Gopika Bilas Sen and other prominent members of the "Reception Committee" in a car to Lall Bazar.

Immediately the police rushed on the gathering with batons and "lathies", but the resolutions were still being read.

One after another, people came forward on the improvised "dais" and began reading the resolutions and delivering speeches. Each of them was dealt with by the police, pulled down and dragged away.

Just at the moment, a number of ladies came forward to the forum. Some of them had babies in their arms. They shouted "Bandemataram," and the police immediately formed a cordon round them, and kept them detained up to 3-30. Even in their detention they continued delivering speeches. Soon the police vans came and they were removed.

On the other side, the police continued dispersing the assembly, and in the course of it many were seriously injured.

One after another the National Flags were snatched away.

The police were moving briskly in the whole area, and were not sparing even those who were at some distance away from the scene. In no time, four vanfulls of

men and women were taken away, the number being about 250 including 40 ladies. The rest of the assembly of about 500 men were dispersed.

Thereafter more police came in and cleared the area entirely.

Sj. Jiten Sen, son of Sjta. Urmila Devi, said to be the "dictator" of All-Bengal Students' Association (declared illegal) and Sj. Satya Sen, Secretary, S. C. D. S. A., along with 150 students including several ladies, were arrested near Chowringhee junction while proceeding to join the Congress at Esplanade.

They were reported to have held a meeting within the Corporation compound, from where they started.

Among others, the following were arrested at the maidan: Sj. Kharay of U. P., Sj. Benodananda Jha of Behar, Prof. Abdur Rahim and Sj. Ram Sundar Sing.

A crowd of about 200 people made a move to hold another meeting near the Ochterlony monument. These people came out of the Eden Garden by its south gate. When they approached the monument, the police rushed in, and arrested about 25 men dispersing the rest with lathi charges.

Another meeting of about 200 men was held before the "Ganesh Talkie" House Chitpore Road under the presidency of Sj. Pathak of Sind. At first the police were absent but they soon rushed into the place and after arresting the president and "delegates" numbering 115 including 12 ladies, dispersed the crowd.

#### Arrests all over the City

House raids and arrests were carried out all over the city. About 100 persons were arrested following house raids in course of the day. Of them 32 Congress delegates were arrested by the Jorasanko Police; 10 by the Hare Street Police. A house was searched in Haldarpara Road by the Bhowanipur Police and 20 delegates from Behar and U. P. were arrested.

The police took charge of a house in Paul Street wherein 14 delegates from East Bengal were arrested. Ajit Kumar Das Gupta and two others were arrested from a room in the College Street Market. The Burtolla Police raided a house in Beadon Row which was recently rented, it was reported, by some young men, and seized a cart-load of unauthorised leaflets and Congress posters and arrested 16 delegates from U. P. A cyclostyled machine was also seized from this place. Another house in Beadon Street was searched and Sj. Rajani Sanyal, said to be the 4th Chairman of the Congress Reception Committee, and two others were arrested.

The Suken Street Police arrested six persons while going in a procession along Shamacharan De Street with national flags with a view to attend the Congress at Esplanade. Two delegates from Faridpur were also arrested in the same locality.

About 145 college students including Sj. Satya Sen, said to be the 'dictator' of the All-Bengal Students' Association (declared unlawful), Sj. Jiten Sen, the son of Sjta. Urmila Devi, were arrested in Corporation Street while coming in a procession to attend the Congress at Esplanade.

Mr. Ramsundar Singh of Midnapur, Mr. Binodananda Jha of Bihar were also arrested and taken to the local thana while attempting to read a resolution of the Congress.

A big tri-coloured National Flag was hoisted by a delegate which was taken away by the police after a lathi charge. The police also took away a large number of small flags from the hands of the delegates who were subjected to lathi charges on their refusal to part with them.

Earlier, many ladies and Congressmen were seen congregating in the Curzon Park. Police suspected them to be Congress delegates and arrested them. The number of those arrested here was 56 including Prof. Abdur Rahim, Sj. Brojanarain Roy and fifteen ladies.

On enquiry it was ascertained that about a dozen persons who received injuries as a result of lathi charges, were attended to in the Medical College Hospital wherefrom they were dressed and discharged.

Elaborate police arrangements were made throughout the city from early in the morning. The base of the Ochterlony Monument was specially guarded by a large number of constables. All the public parks and squares were kept closed and guarded by the police for the whole day. Important street corners were also guarded by groups of sergeants and constables.

Sjs. Panchanan Bishnu, Nishi Kanta Majumdar, Brajendra Nath Roy and Sarat Chandra Chakravarti were arrested from College Street while proceeding in a procession.



The police raided two houses at Kalighat on the Saturday morning and arrested thirty-eight persons, including three ladies. They were said to be "delegates" from the U. P.

The police also raided some houses in the Jorasanko area on Saturday morning. Fourteen persons were arrested. They were said to have come from Khulna, Benares and other place as "delegates" to the "Congress".

At about 11-30 a. m. on Saturday the police raided the premises No. 3-1, Pal Street and arrested 17 persons, said to be Congress delegates. The rooms occupied by them were thoroughly searched and all the belongings of the arrested people were taken away by the police.

There was also a demonstration by several Sikhs in Bhowanipur in the morning. The police arrested 20 men.

#### Arrested Leaders Released

Pundit Madan Mohan Malaviya, Mrs. Nehru, Mr. Govind Malaviya, Mr. Sreedhar Malaviya and others, who were arrested at Asansol Station early on Friday morning, and who were detained in Asansol Jail were released on the 3rd. April on the orders of the Calcutta Police.

### Official Account of the Session

The following was issued under Government authority :—

*The Chairman of the Reception Committee*, in the course of his unread speech, said : "We shall be satisfied with nothing less than Government by the people and for the people. If we have not yet succeeded, it is only because we have not been able to put on the requisite pressure. And that pressure is revolt. For an unarmed nation like India, Civil Disobedience or a non-violent revolt is the only weapon in our hands to compel the Government to our demands. We can on no account abandon the weapon. The next step is complete non-co-operation with the present administration, including refusal to serve in the Army and Police, non-payment of taxes including rent, and boycott of all British goods and foreign cloth. It will involve terrible suffering. At present, we may not waste our time over the White Paper but concentrate our energies on the vigorous prosecution of the Civil Disobedience campaign."

In his *presidential address* to the Congress session which could not be delivered, but copies of which were also distributed, *Pandit Malaviya* described the White Paper as an 'ugly revelation of the attitude of British statesmen towards India and her problems, which constitutes a deliberate affront to the patriotism and intelligence of India, and which propose, to make the position of Indians worse than it is to-day.' Concluding he asked all sections of the people "to sink all communal differences and establish political unity", so that in the future they could "prepare a constitution which shall give India real independence to manage her own affairs".

#### THE RESOLUTIONS

*Amongst the resolutions* drafted by the Subjects Committee of the Indian National Congress, copies of which were distributed in the Esplanade where an open session was attempted to be held, were those : (1) reaffirming complete independence as the Congress goal, (2) holding Civil Disobedience as a perfectly legitimate weapon for the attainment of that goal, (3) reaffirming the decision to strengthen and extend the Civil Disobedience movement by calling on the people to pursue it with greater vigour, (4) calling upon the people not to buy foreign cloth and concentrate on boycotting all British goods, (5) declaring that the White Paper was not worthy of acceptance nor even of consideration as it is devised to perpetuate foreign domination of this country" and (6) retaining its old statement of "fundamental rights".

#### Pt. Malaviya's Presidential Address

The following are extracts from Pt. Malaviya's Presidential address, which he was not able to deliver, owing to his detention in Assansol :

I offer my profound thanks for the honour of being called upon to preside over the deliberations of the Indian National Congress. That the honour has been conferred on me at a time when the country is placed in very abnormal circumstances, when our revered countryman,—Mahatma Gandhi—and a large number of India's

patriotic sons and daughters are still undergoing imprisonment makes my gratefulness for this signal mark of confidence in me all greater. I also fully realise the responsibility which has thus been placed upon me. I pray that I may prove equal to it.

When I was entering Delhi to preside over the Congress last year, I was arrested and detained in jail until some time after the Congress had met and passed its resolutions in spite of the efforts of the police to prevent it from doing so. This fact and the attitude of the Government towards the Congress as disclosed in recent official announcements, had prepared people to apprehend that I would not be allowed to attend the Congress this year also. This is no longer a matter of conjecture. While writing this note this morning I received the following letter from the Collector of Benares:—

“Dear Pandit.....The Bengal Government have advised the local Government that the Public Safety Act is in force in Bengal and that if you and other leaders proceed to Calcutta for the Congress sessions you will not be allowed to attend it. I am directed to communicate the above to you and I request that you will be so good as to pass on the warning to other leaders who may be in Benares at the present time”.

I appreciate the action of the Bengal Government in sending me this warning in this courteous manner. I have informed them however that I see no justification for their decision that we should not be allowed to attend the Congress, and have told them by what train I intend to leave for Calcutta.

Last year the Government arrested a large number of people on their way to attend the Congress at Delhi. This year also I hear that the police are very active in preventing people from going to attend the Congress. The police Commissioner of Calcutta has issued a press notification warning the public that whosoever harbours, receives or assembles in any house or premises in his occupation or charge or under his control a person whom he knows to have been deputed to Calcutta as a delegate to the Indian National Congress, 1930, will render himself liable to prosecution under the Penal Code. He has also warned all landlords that the reception committee of the said Congress has been declared an unlawful association and that any place which in the opinion of the Bengal Government is used for the purpose of the said unlawful association is liable to be notified and taken possession of by the police who may direct any person therein and take possession of the movable property found therein.

The Government have thus obviously done all they could severely to discourage and prevent the holding of the Congress at Calcutta.

Its present attitude is mortally indefensible and politically unwise. It cannot be too strongly condemned. The Congress may well be described as the unofficial Parliament of India. It is the greatest and most active political organisation of the country. It has been in existence now for forty-seven years. It has a great record behind it. The most important constitutional and administrative reforms which have taken place in India during the last half century have all been due to the work or pressure of the Congress. It has been the constant and fearless champion of the people's right for freedom and self-government. The forty-six volumes of its reports, the numerous reports of its Provincial and District Conferences and the proceedings of the Imperial and Provincial Legislative Councils all eloquently attest how the Congress has been fighting for measure after measure with only one object in view namely, the amelioration of the condition of the people and their national advancement in all important directions.

It has always pleaded for equal political rights and equal justice to all classes and sections of the people. During the last thirteen years, the most respected of Congressmen have repeatedly suffered imprisonment for the sake of the country's cause.

For all these reasons the people regard the Congress as their best friend and guide and are ever willing to listen to its advice, even when it involves a sacrifice of the personal interests.

Ever since the Montford proposals were published, the Congress has been pressing for the introduction of responsibility in the Central Government of India. Finding that the Government gave no sign of willingness to respond to the request the Congress declared in 1929 that if Government would not announce their willingness to grant British Dominion Status to India up to the end of the next year, the Congress would advise the country to declare itself for complete independence. The Viceroy did make a declaration on first November 1929, but that did not meet the requirements of the Congress and consequently on the first day of

January, 1930 the Congress declared complete independence to be its goal. On March 12, succeeding, Mahatma Gandhi started the Civil Disobedience Movement to bring pressure to bear upon the Government to concede to minimum national demand which he clearly defined. The Government adopted strong measures to suppress the movement. But it failed to do so. Then after nearly a year's resolute administration Lord Irwin's Government considered it wise and just to make a truce with the Congress through Mr. Gandhi which is known as the Gandhi—Irwin Pact. The Pact was made with the approval of the British Government.

The Congress was then invited by the Prime Minister of England to send its representatives to the Round Table Conference because it was felt by the Government that without the Congress the Conference could not be regarded as fully representative. The Congress appointed Mahatma Gandhi as its sole representative and he attended the Conference as such. He returned to India anxious to co-operate with the Government in the further work of the Conference. But while the Conference was going on in London, the general election in England brought a large Conservative majority into Parliament and a strong Conservative became the Secretary of State for India.

"As the result of the election" in the words of Mr. Benthall, who represented the Conference the "policy undoubtedly changed. The right wing of the new Government made up its mind to break up the Conference and to fight Congress. The Muslims who do not want Central responsibility were delighted. Government undoubtedly changed their policy and tried to get away with provincial autonomy with a promise of central reform". "We had made up our minds", continues Mr. Benthall, "before this that a fight with Congress was inevitable; we felt and said that the sooner it came the better. But we made up our minds that for a crushing success we should have all possible friends on our side. The important thing to us seemed to be to carry the Hindu in the street represented by such people as Sapru, Jayakar, Patro and others. If we could not get them to fight Congress, we could at least ensure that they would not back Congress. We pressed upon Government that the one essential earnest of good faith which would satisfy these people was to undertake to bring in the Provincial and Central Constitution in one Act. So we joined with strange companions. Government saw the argument; and the Conference instead of breaking up in disorder with 100 per cent of Hindu political India against us ended in promises of co-operation by 99 per cent of the Conference, including even such people as Malaviya, while Gandhi himself was disposed to join the standing committee".

This needs no comment. The subsequent pronouncements and actions of the Government culminating in the statement of January 4, 1932, have made it clear that even before the return home of Mahatma Gandhi, the Government had decided upon launching a strong, carefully planned, comprehensive attack on the Congress and had coolly concerted their plans for it. In the light of these facts it becomes easy to understand why the Viceroy refused to grant an interview to Mahatma Gandhi when he so earnestly sought it with a view to remove the differences which had arisen between the Government and the Congress in some provinces and to avert resort to civil disobedience. The Government did not give him that opportunity and has kept him interned since that time. The attack on the Congress was hurled like an avalanche. The most drastic ordinances were promulgated and extended to all parts of India.

**It is estimated that nearly 120,000 persons including several thousand women and quite a number of children have been arrested and imprisoned during the last fifteen months.**

It has been repeatedly said on behalf of the Government that its quarrel with the Congress is due to the adoption of civil disobedience, by the Congress. I have shown above by quoting the letter of Mr. Benthall that the Conservative Party and the European community of Calcutta decided to fight the Congress, not because it had taken up the civil disobedience movement, but because it insisted upon a real transfer of power from British to Indian hands, in other words, upon having the substance of independence in the management of the country's affairs. It must be remembered that as Sir Samuel Hoare boastfully stated, the initiative this time has been with the Government. The Congress offered civil disobedience in defence of the rights of the people which were attacked by the Government by means of the ordinances passed under existing laws. It has throughout the campaign been in the power of the Government to stop civil disobedience or by abandoning the policy of repression.



Under the English constitution, the British Parliament exercises sovereign power as a legislature, and in theory it has a right to make or unmake any laws whatever for Britishers. But as a great English writer (Dicey) has pointed out, "the actual exercise of authority by any sovereign whatever, and notably by Parliament is limited on every side by the possibility of popular resistance".

Further on he says. "The external limit to the real power of a sovereign consists in the possibility or certainty that his subjects, or large numbers of them will disobey or resist his laws", and still further: "A sovereign may wish to do many things which he either cannot do at all or can do only at great risk of serious resistance, and it is on many accounts worth observation that the exact point at which the external limitation begins to operate, that is, the point at which subjects will offer serious or insuperable resistance to the commands of a ruler whom they generally obey is never fixed with precision". Another great writer cited by Dicey has said: "If a legislature decided that all blue-eyed babies should be murdered, the preservation of blue-eyed babies would be illegal. But legislators must go mad before they could pass such a law and subjects be idiotic before they could submit to it". This limitation exists even under the most despotic monarchies.

It is indisputable therefore that if a legislature or a despot should promulgate a law which is obviously unjust or oppressive and attacks our elementary liberties, the people have the right to disobey such a law and to offer to it "serious and insuperable resistance". This right of disobedience or resistance is a most valuable constitutional weapon in the hands of a people, by the fear of which they can force legislators or despots to exercise their powers within the limits of reason and justice, and by which they can re-establish their natural rights and liberties when they have been attacked or invaded. The greatest of our liberties is the liberty of opinion. It was said by Erskine that "other liberties are held under Government, but the liberty of opinion keeps governments themselves in due subjection to their duties. This has produced the martyrdom of truth in every age, and the world has been only purged from ignorance with the innocent blood of those who have enlightened it."

Notwithstanding all the assurance of equality of treatment in the days of the war, after the war was over England has changed her attitude towards India. It has never yet agreed that India should exercise the right of self-determination to establish which she contributed her lives and treasure. On the contrary, she has treated Indians during the last thirteen years as a race whose pace of progress towards self-government must be determined by the Parliament of England.

England has gone on preparing a constitution for the future Government of India with the help of some Indians of its own selection and liking. It has framed the constitution under the claim that it is the right and moral obligation of the British Parliament to determine to what extent and with what limitations and safeguards it will allow India to administer its own affairs. The White Paper is an ugly revelation of the attitude of British statesmen who dominate the English Parliament to-day towards India and her problems. It constitutes a deliberate affront to the patriotism and intelligence of India. Indeed it proposes to make the position of Indians worse than it is to-day.

It was idle to expect that a constitution born under the influence of the attitude which British statesmen entertain towards India could be one which could be acceptable to the Indian people. It is not surprising that the White Paper is being condemned all over the country. I hope that no self-respecting Indian who has a correct sense of his duty towards the motherland will take part in any further confabulations regarding the White Paper unless and until the British Government should change its present policy and should make up its mind to treat Indians as equal fellowmen who are as much entitled to complete independence in the management of their own affairs as England herself is in regard to her own affairs.

I appeal to my countrymen to wake up to the reality of the situation. I take it that every Indian wants that we should have complete freedom for the management of our own affairs. The attainment of this freedom will become easier if we will unite and work with one mind and purpose to achieve it. I implore all Hindus and Mussalmans, Sikhs, Christians and Parsees and all other countrymen to sink all communal differences and to establish political unity among all sections of the people.

The Unity Conference which was laid at Allahabad has nearly brought about communal agreement. I earnestly hope that the Conference will soon resume its work and complete it to the satisfaction of all communities. Our national political

aims are common to all parties and with the disillusionment which the White Paper has brought about, I have every reason why we should not be able to establish political unity in the country. If we succeed in doing so, the pressure of United India is bound to induce the British Government to revise its attitude towards India and Indians and to invite them to exercise their right of self-determination and to prepare a constitution which shall give India real independence to manage her own affairs.

In the midst of much darkness, I see a clear vision that the clouds which have long been hanging over our heads are lifting. Let every son and daughter do his or her duty to expedite the advent of the dawn of the day of freedom and happiness. Truth is on our side. Justice is with us. God will help us. We are sure to win. Vande Mataram.

## TREATMENT OF CONGRESS DELEGATES

### Pandit Malaviya's Statement

The following are extracts from the statement prepared by Pundit Malaviya dated the 9th. April regarding the treatment of delegates to the Calcutta Congress making allegations against the police to which reference was made in the Assembly on the 1st. April 1933 (see page 168) and in respect of which the Home Member promised to make an enquiry:—

Over 2,500 delegates started for Calcutta and were arrested either on route or at Calcutta. Of those delegates nearly a thousand were arrested and detained before they could reach Calcutta. The rest of them, i.e. over 1,500 reached Calcutta and notwithstanding the notice issued by the Police Commissioner, were given accommodation at various places in the city.

When the news was received at Calcutta that I had been arrested on my way, it was announced on behalf of the Congress that Mrs. Nellie Sen Gupta would preside over the Congress. The time and place for holding the Congress were also announced nearly twenty-four hours in advance. Over 250 delegates met at the appointed place punctually as the clock struck three. Mrs. Sen Gupta was there at her post and started reading her address. All the seven resolutions adopted by the Subjects Committee on the previous evening were read out and passed. Eventually, the police made a lathi charge, dispersed the huge crowd which had gathered and arrested the delegates. Delegate after delegate as he stood up to move resolutions was attacked with lathis. Care was taken by the Sergeants not to aim at the head, but serious injuries were sustained by the delegates in other parts of the body. One delegate, a Vakil from Agra who kept persistently reading a resolution, in spite of a shower of blows, had his spectacles broken and one of his eyes severely injured. He may have to lose the eye. The lathi blows were supplemented by kicking. Women delegates were not beaten, though some of them who tenaciously stuck to the National Flag, were roughly handled in an attempt to snatch the flag from them.

But there is one episode which happened in Calcutta before the session of the Congress to which I wish to draw pointed attention. It relates to the behaviour of the police on the evening of the 30th. March. 89 delegates from the U. P., after having been taken into custody in the course of a police raid, were assaulted in the Lal Bazar Thana. Many of the delegates suffered severe contusions on their faces and heads for which some are still under medical treatment. Some of these delegates occupy high positions in society and are well known in their districts. The facts of the incident as represented by Mr. Jivaran Paliwal of Farrukhabad, the leader of the group and several other victims, are briefly as follows:

At 5 p.m. on the 30th. March the police raided a building in Nawab Badruddin Street and arrested 89 delegates all of whom were from the U. P., including three from Meerut. The prisoners were taken to the Kolutola Thana and kept there for about half an hour. The behaviour of these delegates, as of all other delegates arrested at different places, was entirely peaceful. No resistance was offered by any body either at the time of arrest or while they were being hustled into the prison vans. From Kolutala Thana they were moved to the Lal Bazar Thana at about 7-30 p. m. The prisoners were ordered to alight one by one. Blows were directed at the stomach, chest, face, eyes and head. Delegates who tottered under a blow which fell on the right side received another immediately on their left. When a prisoner, who had been cuffed in the stomach placed his hands there, a shower of fists fell on his

unprotected head and face. Anyone who lowered his head got a violent punch on his chin. Those who fell down under the assault were kicked with heavy boots. Several delegates were unconscious or semi-conscious for a long time after the assault was over. Over a dozen delegates bled either from a torn lip, an injured eye, broken teeth, or a broken head.

Some who happened to come out of their vans in groups got off lightly as compared to those who came out in singles. The medical attendant of the Thana administered first aid, while sergeants kept jeering and joking at the plight of their victims. Tincture of Iodine was applied to the wounds. Some who were senseless or suffered from severe pain, particularly from blows received on the stomach and ribs, were attended to by their fellow-delegates who fanned them with hand-kerchiefs and gave them water to drink. Maulvi Abdul Latif of Lucknow, who had fainted from his injuries in the ribs and was in a serious condition, had to be treated with fomentation, and was eventually sent to the Police hospital at night. Pandit Shiva Datta Pande of Lucknow, whose condition caused grave anxiety, was also sent to the Police hospital for the treatment of injuries in the stomach. Others with similar injuries spent the night in the Thana in agony. Next day, i. e. on the 31st. March, they were all removed to the Presidency Jail where the injured had to be specially attended to. Some had to be immediately admitted to the Jail Hospital. The blood on the face of several of them was washed and their blood-stained clothes changed in jail. Pandit Kapil Dev Pande of Gorakhpur, Pandit Jay Dev Shastri of Farrukhabad and Pandit Shiva Prasad Shukla of Bahraich still carry prominent marks of injuries to their eyes and nose. Pandit Om Prakash Tiwari of Agra and Pandit Satya Narayan Datt of Etawah display torn lower lips. Thakur Kamal Singh of Agra and Mr. Devi Das of Jhansi bear marks of severe injuries on the nose, whilst a number of delegates still continue to suffer acute pain in the stomach and ribs. Three delegates Maulvi Abdul Latif, Pandit Shiva Datta of Lucknow and Pandit Shiva Prasad Shukla of Bahraich were kept in the jail hospital throughout their detention, and the former two were unable to seat up or move by themselves even when they were released on the 6th. April. Sjt. Virendra Kumar Sadh of Farrukhabad, who has been badly injured in the ribs has had to be detained in Calcutta for treatment.

Since writing the above other incidents of a similar nature that took place at Kalighat and in the Bhowanipore Thana have come to my notice. The prisoners who were assaulted in this thana and on their way to it were released only on the 4th. i. e., the day I left Calcutta. Some of them have since seen me in Benares and related details of assaults on delegates who had been arrested at Kalighat on the 30th. March and 1st April. The facts are briefly as follows :—

On the 30th March, about 180 delegates were arrested at Kalighat. They were marched to the Bhowanipur Police Station on foot under police escort. Several delegates were assaulted while being put under arrest as also afterwards. Mr. Fakir Chand bears marks of violent blows on the head, left arm and other parts of the body. His condition having become grave he was sent at midnight in a rikshaw to the Police Hospital. Similarly Sjt. Ram Saroop and Maujilal of Unao were beaten for raising slogans. Both these delegates had to be sent to the Police Hospital at night. Sjt. Naorang Singh of Gonda was given a blow with the stick on his face. Two of his teeth were broken, and the upper lip badly injured. Sjt. Sukhdeo Prasad of Gorakhpur was struck several blows causing profuse bleeding. He too was treated later on in the Police Hospital. Sjt. Rampalak Singh and Sjt. Sampuran Tiwari of Basti got violent blows on their heads, causing bleeding wounds. Sjt. Mata Prasad of Gonda was hit on his private parts. He is still suffering from the injuries and finds urination extremely painful.

The other incident relates to the arrest of 21 delegates of U. P. who occupy leading positions in the Congress. This batch was arrested on the 1st April at Kalighat at about 11 a.m. They were taken to the Bhowanipore Thana in a bus. At the Thana they were given chairs and benches to sit on. While the names and other particulars were being taken down a sergeant suddenly pulled Thakur Munshi Singh of Hardol by the ear and shouting "You cried 'down with the British Government'. oh" ?, punched him several times heavily on the temples. The sergeant was interrupted in his attack on Thakur Munshi Singh by a telephone call. But he returned from the telephone and began to belabour his victim again. When Mr. Rustom Satin, a delegate from Jhansi tried to remonstrate on behalf of his companion, the sergeant struck a heavy blow with his stick on his head causing a big swelling. The sergeant retired eventually only on the arrival of a Magistrate who had been summoned in view of the important arrests of these men. Later Mr. A.



G. Kher, a leading Congressman and Vakil of Jhansi, who was one of the 21 delegates, refused to supply any more particulars as regards the names and addresses of his group unless the incident of the attack on Thakur Munshi Singh and Mr. Rustom was duly noted by the police. Eventually their demand was complied with and the fact of the assault recorded in the police diary.

The beating during the actual Congress session might have been expected. But one could hardly believe that prisoners in custody would be treated in the manner described above. I make a present of these facts to those who are in power.

#### Interpellations in Commous—22nd. May 1933

In the House of Commons to-day Mr. Thomas Williams asked if the Government of Bengal had yet reported to the Government of India on the representations by members of the Legislative Assembly alleging ill-treatment by the police of Congressmen arrested in connection with the recent Congress session.

Sir Samuel Hoare replied that the Government of India had just received a detailed report and the views of the Government of Bengal which showed that the allegations were false. Sir Samuel Hoare added that the Government of Bengal were issuing a communique on the subject shortly.

Mr. Williams asked when the report would be available to the public.

Sir Samuel Hoare asked for notice and said that he certainly was prepared to make a full statement and he did not see any reason at the moment why the report should not be made available.

Mr. Morgan Jones asked if Sir Samuel Hoare was aware that Pandit Malaviya had given detailed information on the matter, including the names of persons attacked, and asked whether in view of this Sir Samuel Hoare did not consider a public inquiry desirable.

Sir Samuel Hoare replied :—‘I am very sorry to see that so prominent an Indian public man as Pundit Malaviya has given his name to these very vicious and false charges.’ Sir Samuel Hoare added that Mr. Morgan Jones would see when the Government of Bengal made their statement that the charges from start to finish were false.

Sir Bertram Falle (Conservative) asked if any one was being proceeded against for false statements.

Mr. Williams asked if Pandit Malaviya was not generally recognised as a person who told truth.

Sir Samuel Hoare replied that it was all the more regrettable that on two occasions Pandit Malaviya had lent his name to totally false and unsupported charges.

#### Pundit Malaviya's Challenge

In reply to the above Pandit Malaviya sent on the next day, the 23rd. May, the following cablegram to Sir Samuel Hoare, Mr. Morgan Jones, and Mr. Thomas Williams of the House of Commons, London :—

‘With reference to questions in the House of Commons, if Government institute a public enquiry regarding the charges of ill-treatment of the Congress delegates in Calcutta, will have evidence led to substantiate them. If inquiry not held, would welcome prosecution. Regarding Benares women's case my printed criticism of Magistrate's judgment sent to you and other friends in November last remained unanswered by Government. It fully established the truth of the case.—Malaviya’.

#### Interpellations in Commous—29th. May 1933

Replying to Mr. Tom Williams in the Commons to-day, Sir S. Hoare said that the statement by the Bengal Government endorsed by the Government of India as regards the allegations of ill-treatment by the Police would be issued in India this evening, and a copy would be communicated to the House.

Mr. Tom Williams, in view of last week's statement about the untruthful allegations, requested an inquiry into the allegations and the prosecution of the utterers of untruths.

Sir S. Hoare said : ‘We have had a full inquiry. People who have made the charges are entitled if they wish to take the charges into the courts’.

Mr. Tom Williams suggested that as evidence seemed to show the statements were wholly untrue, it was the duty of the Government of India to prosecute Pandit Malaviya and others.

Sir S. Hoare : "It is quite unnecessary to take such steps. I am satisfied as also the Government of India that there is no ground for these charges".

### Govt. Communique on Malaviya Statement

The following Press Communique was issued by the Government of India from Simla on the 29th. May :—

The statement issued by Pandit Madan Mohan Malaviya dated April 9th, relating to certain incidents in connection with the recent attempt to hold a session of the Congress in Calcutta, was brought to the notice of the Government of India by certain members of the Legislative Assembly, who drew particular attention to the serious allegations contained in it regarding assaults by the police on members of the Congress after they had been taken into custody. At the request of the Government of India, the Government of Bengal have had an enquiry made into these allegations by the Commissioner of Police. The following are the views of the Government of Bengal on the various allegations after considering the report of the Commissioner of Police and other information at their disposal.

This statement of Pandit Madan Mohan Malaviya dealt with four separate incidents.

As regards the first incident during the actual attempt to hold the session, it is alleged, the delegates were severely assaulted by police sergeants. The statement says : "Delegate after delegate, as he stood up to move the resolutions, was violently attacked by sergeants, wielding lathis, with all their might. Lathi blows were supplemented by kicking". The Government of Bengal draw special attention to the fact that the session was held in the open space adjoining one of the most frequented road crossings in Calcutta. Whatever action was taken by the police was taken in full view of the public on an occasion in which all sections of the Press were interested. Several individuals connected with the more extreme sections of the Press in Calcutta were known to have been present, and to have taken part in the session. Yet an examination of the leading local newspapers shows that, while the general references to lathi charges were made in most of the reports of the incidents which occurred at the meeting, no mention was made in a Calcutta newspaper, so far as the Government of Bengal are aware, of any of the incidents referred to in the statement issued by the Pandit Madan Mohan Malaviya.

One paper, "The Liberty", which had made special enquiries stated on 2nd April that on enquiry it was ascertained that about a dozen persons who received injuries as a result of lathi charges were attended to at the Medical College Hospital, wherefrom they were dressed and discharged. It was not till several days later—and this not in Calcutta, but in Benares and through a person who was not himself present at the meeting—that these particular allegations regarding the conduct of the police were made.

Another allegation is that although the Calcutta Corporation had an ambulance present at the spot where the meeting was held, it was not used, and had to go away empty. In view of these facts, the Government of Bengal consider that no reliance can be placed on the statement made by Pandit Madan Mohan Malaviya as regards this incident.

### LAL BAZAR THANA INCIDENT

The second item in the statement alleges that 89 delegates from the United Provinces, after being taken into custody in the course of a police raid, were severely assaulted by European or Anglo-Indian sergeants in Lal Bazaar Thana, the assault being "wanton, brutal and evidently premeditated". It is alleged that when the prisoners arrived in vans, about thirty sergeants rushed up from different directions, and lined up in two rows facing each other, between the exit of the vans and the gate of the lock-up, and that as the prisoners alighted one by one, each was set upon by the sergeants and belaboured with sticks and fists.

The detailed report submitted by the Commissioner of Police, shows that at 5 p.m. on 30th March, a party of police went to No. 1, Nawab Badruddin Street and there effected the arrest of 89 delegates. On the arrival of the police, several delegates attempted to escape. Others went to the open window overlooking the street and shouted Congress slogans, with the result that a crowd collected and began to assume a truculent attitude. Some force was used in clearing the delegates from the window. Later, when the arrested delegates were ordered to enter the prison vans, which were overcrowded, they started satyagraha by sitting down on the road. As it was not possible to allow this on a public thoroughfare, a certain

amount of force had to be used to get these men into the vans. On arrival at Lal Bazaar at about 7 p.m., when it was dark, the vans, in accordance with the usual procedure, were backed into the lock-up gate. No sergeants other than those of the escort were present at the time. The first few delegates missed the steps in consequence of darkness and fell on the ground. On an arclight being lighted, the remaining prisoners descended from the prison vans by the steps.

All the prisoners were examined by the lock-up doctor and such injuries as they were suffering from were noted in the lock-up registers. Two of the men who fell from the prison van, viz., Pandit Sheo Dutt Pandey and Maulana Abdul Latif, complained of internal pain. The doctor recommended that they should be sent to the police hospital for the night, and this was done. Twelve other prisoners had minor injuries, for which they were treated. The doctor also examined all the other prisoners on their arrival and recorded their injuries in the register. Though he enquired how they had sustained these injuries they made no statement. The Inspector-General in charge of the lock-up, found two men who fell from the prison van being attended to by the doctor and no complaints were made to him by them nor by the other prisoners. When the Deputy Commissioner, Headquarters, visited the lock-up the next morning, no prisoner made any complaint to him. He visited the two men who had been admitted into the hospital and questioned them as to how they came by their injuries. But neither of them complained that they had been beaten by the police officers. The injuries caused to the two prisoners named were accounted for by their fall from the van. The injuries found on the other twelve prisoners would be the natural result of the force that had to be used in effecting the arrest of these men and getting them into the vans. The Government of Bengal are convinced that the allegations made in Pandit Madan Mohan Malaviya's statement that when the prisoners arrived the sergeants lined up in two rows and made the prisoners run the gauntlet, are untrue and maliciously false.

#### ARREST OF DELEGATES AT KALIGHAT

The third allegation is that when 110 delegates were arrested at Kalighat, a number of them were wantonly assaulted, nearly 40 persons receiving injuries caused mainly by one sergeant. The Deputy Commissioner, Southern Suburbs, reported that at about 9 P. M. on the 30th. March, a contingent of police officers and men, about twenty-four in number, headed by the Assistant Commissioner, South Suburbs, raided four places one after another, where a number of delegates from different provinces had taken shelter. The delegates, hearing of the arrival of the police, left their rooms and collected on the different terraces, after closing the terrace doors. When the police wanted to go to the terrace, they found the doors closed, and in spite of repeated calls, the doors were not opened. Accordingly they had to be forced open. The delegates raised revolutionary and Congress slogans, and would not yield to any order or direction. Accordingly force was used as it was necessary to bring them under control. Prison vans were requisitioned from the headquarters, to take them to the police station, but as they continued to shout revolutionary slogans, such as, "Long Live Revolution", and "Down with the British Government" which attracted a big crowd in the locality and as there was some delay in getting the vans, it was considered advisable to send them on foot to the police station in batches under escort to avoid any demonstration by the crowd. They continued to be unruly all the way to the police station. On their arrival at the police station when their names and addresses were being taken down, it was found that eleven of them had injuries which were duly noted in the register. These included one Fakir Chand who was suffering from dislocation of the left shoulder and one Tej Bahadur Singh who had dislocation of two teeth. The rest had superficial injuries. Apart from these eleven, no other prisoner made any complaint of injury. They were kept at the police station during the night and were removed to the jail the next morning. No complaint of assault was made to any of superior police officers who made frequent visits to the police station on the night of March 30th and the morning of the 31st.

The Government of Bengal observe that this report shows that only eleven persons out of the 206 persons arrested were injured, and that no complaints were made to the superior police officers. In view of the circumstances in which the arrests were made, the number of injuries cannot be said to be excessive. The Government of Bengal accept the report of the Commissioner of Police as correct.

The fourth allegation refers to the arrest of twenty-one delegates from the United Provinces at Kalighat on the morning of 1st April. These were taken on arrest to



Bhowanipore Thana. It is alleged that while their names and other particulars were being taken down at the Thana, a sergeant who was said to have been responsible for the assault on the prisoners referred to in the allegation, brutally attacked two of them. The Commissioner of Police reports that on the morning of the 1st. April, the police arrested 21 U. P. delegates. While they were being put under arrest they were extremely violent, and would not board the lorry, and created a scene in the locality by shouting continuously objectionable and revolutionary slogans. At that time some force was used to make them board the lorry and at the police station, four of them complained of assault against the sergeant, but they had no injury on their persons and declined to go to the hospital to be examined.

Though the complaint was duly recorded in the station-diary, the Government of Bengal point out, however, that as the persons who made the complaint had no marks on them, and refused to be examined by any doctor, it is not surprising, considering the circumstances in which they were arrested, that no further notice was taken of the complaint. The Government of Bengal pointed out that the allegation that the arrival of a magistrate caused the sergeant to cease this assault, is shown to be false by the fact that no magistrate visited the police station.

The Government of Bengal have dealt with these allegations on the basis of a careful examination of the report submitted by the Commissioner of Police and their own acquaintance with what appeared in the newspapers and reports received by them at the time of the sessions. Apart from the fact that none of these serious allegations appeared in the Press, shortly after the events were alleged to have occurred, the Government of Bengal draw attention to the fact that the Legislative Council of Bengal was in session till the evening of 4th. April, and thus the members of the Council would have had full opportunity of drawing the attention of the Government to them by means of questions or by moving the adjournment of the House. The absence of any attempt to refer to the alleged incidents in the Council is, in their opinion, almost conclusive proof that no such occurrences took place.

The Government of Bengal consider the statement as a whole to be false, a statement issued to discredit the work of the Calcutta Police, to whose efforts was mainly due the complete failure of the attempt to hold the session of the Indian National Congress.

The Government of India, after considering the report of the Government of Bengal, fully endorse the latter's conclusions.

### **Pandit Malaviya's Second Challenge to Govt.**

In reply to the above, Pandit Madan Mohan Malaviya issued the following statement to the press, dated the 23rd. June 1933 :—

Sir Samuel Hoare stated in the House of Commons on May 22 that the allegations made by me regarding the assaults on Congressmen who went to attend the Congress were false and vicious. I cabled him then that if he would order a public enquiry, I would have evidence led to substantiate the charges and if no enquiry was held, I would welcome a prosecution for having published the statement I did. Sir Samuel Hoare has not adopted either of the courses. Yet, replying to a question in the House of Commons, he has reiterated that the Indian Government and the Bengal Government considered that the accusations against the Calcutta police were false and he completely agreed with those conclusions.

During the last two days I met 14 gentlemen who had gone to Calcutta to attend the Congress. They came on my invitation. I examined every one regarding the Calcutta incidents. Their full statements have been recorded and released for publication with this. It will be seen that they have unanimously supported the statement issued by me on April 9 and give the lie to the explanations put forward in the Government communique for the injuries they suffered. I myself have seen the marks of injuries which some of these persons still bear on their persons. It is obvious that the accusations I put forward in my statement and the explanations given by the Government in the communique cannot both be true. One of the two must be false. I offered and offer again to prove my statements as true. I once more invite Sir Samuel Hoare to submit the two statements to the test of an impartial public enquiry.

# THE BIHAR UNITED PARTY CONFERENCE

OPENING DAY—PATNA, 19th. JANUARY 1933

The conference to inaugurate the Bihar United Party, was held at Patna on the 19th. January 1933 in a big but otherwise unpretentious *Shamiana* on the grounds of the Srimati Radhika Sinha Institute, and, as reported by the 'Leader' of Allahabad proved far from a tame affair. And considering that invitations had been issued liberally, and besides the landlords and kisans, an appreciable number of men subscribing to the Congress programme, were present, the proceedings could not but reflect the thoughts and feelings prevailing in the country. And it must be admitted that, amidst interruptions at a certain stage, on the whole the organisers of the party and specially the *Maharajadhiraja of Darbhanga* who was in the chair kept a cool head and tried to accommodate others as far as possible.

It fell to the lot of *Mr. Sachchidananda Sinha* who moved the resolution on the creed of the party to face the music. 'Swadeshi' was the first cry that emanated from a section of the audience, but *Rai Bahadur Amarnath Chatterjee* quietly moved and *Mr. Sinha* most willingly accepted the amendment that encouragement of the manufacture of Swadeshi goods and their use would be part of the creed of the party. *Babu Nageshwar Prasad Sinha*, pleader, Daltonganj, next rose to say that the party could not be a united political party unless Congress men joined it and kisans would have no confidence in it unless the party adopted a resolution on the release of Mahatma Gandhi and other political prisoners and made the best efforts in this behalf. One gentleman demanded that this should be the first resolution of the conference, and another that the formation of the party be postponed till the release of Congress leaders in this province. *Mr. Sachchidananda Sinha* replied that they did not desire that Mahatma Gandhi should remain in jail for a minute longer and a separate resolution could be moved on the subject but he failed to see why the party should not be formed till Congress leaders had been released. The resolution on the release of Mahatma Gandhi and other Congress leaders was adopted.

After the first cry of 'Hindi, Hindi', soon after the first speaker commenced his speech, the proceedings throughout were conducted in Hindustani except the address of the president, the gist of which was explained in Hindi.

A meeting of the representatives of every district chosen from among those who attended the conference, was to frame the constitution of the party.

Among those present were : the Raja Bahadur of Banaili, the Raja Bahadur of Amawan, Raja Raghunandan Prasad Singh, the Maharaja Bahadur of Gidhaur, Raja P. C. Lal Chaudhry, the Maharajkumar of Dumraon, the Maharajkumar of Chota Nagpur, Raja Radhika Raman Prasad Sinha of Surajpura, Kumar Gangnand Sinha, Sir Sultan Ahmad, Mr. Hasan Imam, Mr. Sachchidanand Sinha, Sir Ganesh Dutt Singh, Rai Bahadur Harihar Prasad Singh, Rai Bahadur Shyam Nandan Sahay, Rai Bahadur Lekh Narayan Sinha, Rai Bahadur Dwarka Nath, Rai Bahadur Dalip Narayan Singh, Babu Anant Prasad, Rai Bahadur Radha Krishna Jalan, Rai Bahadur Amarnath Chatterjee, Maulvi Mubarak Ali, Maulvi Abbas Ali, Mr. M. Yunus, Rai Bahadur Lakshmi Prasad Sinha, Babu Gupteswar Prasad Sinha, M.L.A., Babu Adit Prasad Sinha, Babu Srikrishna Prasad, Maulvi Muhammad Hafeez, M.L.C., Babu Rameshwar Prasad Sinha M.L.C., Babu Radha Mohan Singh M.L.C., Rai Bahadur Chuni Lal Ray, Babu Radha Kant Saran, Pandit Balgobind Malaviya, Babu Kamaleshwari Sahay, Mr. Ali Hasan, Bar-at-law, Mr. Naqui Imam, Pandit Braj Behari Chaube, Mr. Chandrabansi Sahay, Maulvi Sayeedul Haque, Maulvi Muhammad Ibrahim of Terhi Ghat, Maulvi Khalilur Rahman, Rai Bahadur Krishnadev Narayan Mahta, Babu Bhagwati Sinha, Mr. S. K. P. Sinha, Babu Hara Krishna Chaudhry, Babu Sri Narayan Mahta, M. L. C., Babu Maheswar Prasad Narayan Sinha, Rai Bahadur Bansidhar Dhandhanian and Babu Mathura Nath Sinha.

The Raja Bahadur of Banaili formally proposed the Maharajadhiraja of Darbhanga to the chair.

Rai Bahadur Dwarka Nath said that he had great pleasure in seconding the motion. (Cries of "Hindi, Hindi".) Thereupon the Rai Bahadur speaking in Hindus-

tani said that times had changed and as formerly the darshan of Rajas purified them, now did that of kisans. They must make sacrifices to ameliorate the condition of the masses. The only difference between them and the Congress was on the question of civil disobedience. The Maharajadhiraja was young and promising. In Tirhut people trembled for fear of Pandits but the Maharajadhiraja had crossed the seas twice and was preparing to do so a third time (laughter). Similarly he hoped in this fight with the bureaucracy he would remain undaunted. (Cheers).

Maulvi Mubarak Ali supported the motion.

### Presidential Address

*Maharajadhiraja Sir Kameshwar Singh*, after thanking the conference, referred to the 'profound sense of grief and irreparable loss felt by the organising committee due to the sudden demise of one of their most respected and beloved colleagues. But the spirit with which the late Sir Ali Imam had enthused them at Ranchi still endured and spurred them on towards the fulfilment of the whole object he had in view. His great speech at Ranchi was the last will and testament about the future of the public life of the province of which he was one of the makers. On those of us who mourned his loss had undoubtedly fallen the responsibility of carrying out its wishes and completing the unfinished work for the cause for which he lived and died.

Proceeding, the President said : We have met this morning to formally inaugurate the party which we propose to call the *Bihar United Party* in pursuance of a resolution, passed at Ranchi on Sept. 4, 1932. Many of us present here were parties to it and they will be merely translating their own wishes into action. Others, who have very kindly come here in response to my invitation, I believe, also agree with the object with which this party is going to be established.'

Referring to the criticisms to which their proposal to form the party had been subjected, the President said : One of the main criticisms has been that its formation is premature, that we should wait and see what form the Government of India Bill may take, before we start our career. My reply to this argument is that we have to face probably in the next twelve months of fateful selection which will have an immense effect for good or evil on the destinies of our province. That election will determine to whom will be allotted the task of initiating the first autonomous Government of the province and starting it on the road of progress. With this prospect can we rest content that there should be only one party in the field whose programme has hitherto been purely negative? Whether that party will or will not take part in the working of the new constitution, I cannot even now prophesy : but I hold strongly that negation is not statesmanship. And our province will be gravely endangered unless the Reforms find it prepared with a united party to replace the present Government and if the province is left to the haphazard result of an election of individuals with no common interest and no link of common policy. Statesmanship and self-interest alike demand that the Reforms should not find us unprepared, as we must be if we postpone action any longer.

A second line of criticism is at our presumption in calling ourselves the Bihar United Party, and it is said that the condition of discordant elements will be of short duration. Gentlemen, union is strength, and we must have a strong party to take over the reins of Government and guide it on the path of prosperity, not a collection of groups, each playing for its own hand, and only combining by accident but a party already in being, with a common purpose and policy and commanding general confidence. We intend to rise above castes and creeds and sectional interests which have split Bihar in the past into so many warring camps, and to unite with the common purpose of making the new constitution a success, and of showing the world that the Indians of Bihar can administer their province successfully and lead it on to progressive betterment.

To those who are prepared to cavil at the Bihar United Party I would point to the success already obtained. The first obstacle to union was the differences existing between landlords and tenants under the tenancy law. That obstacle has been surmounted. The committee appointed at Ranchi has done its work and a Bill is to be introduced in the current session of the Council which goes far to put on a satisfactory footing the relations between the two main partners in agriculture. I claim that a good start has been made to justify our name, and that we may forward confidently to the future for progressive increase in the establishment of goodwill among the communities of our province. But that will be just the begin-



ning of the programme which this party will endeavour to carry out to promote the social and economic betterment of the country in general and the province in particular.

'Further, it will be our earnest endeavour to get into this party all people who although they stand for peace, progress and stability of the country, yet for one reason or the other could neither identify themselves with either the present day Government. I would go further, and say that we hope to get in this party persons who had so long identified their interest with those of the Government or of the Congress, but who now realise that ours is the best policy to follow in the changed condition of things. These considerations and hopes, gentlemen, encouraged me to pursue the idea of the formation of the party which we have met to-day to inaugurate. We wish to call this party Bihar United Party advisably because we seek to unite on this platform people who hitherto belonged to different camps and include in our working committee due representation of all. From such an unity we seek to derive strength for serving our motherland.

'I wish to emphasise this point because of the misgivings that are generally felt with respect to this party. Much of these misgivings, if I have been able to read the public mind correctly, arise from two great mis-conceptions, viz., (i) that the Government of to-day will utilise this party in ruling this province, although to all appearances it will be non-existent, and (ii) that the landlords will dominate the future legislature to the detriment of other classes. To these charges I have got only one submission to make and that is that in the future constitution the power is going to pass out of the hands of the bureaucracy to the hands of the people. It does not require much intelligence to understand that the security for a peaceful administration in future will lie not in the hands of the officialdom as it is constituted at present, but in keeping the people of Bihar happy and contented. Even if it may be granted that so long the landlords were looking to the bureaucracy for the preservation of their rights and interests it goes without saying that the time is fast approaching when they must identify their interests with those of the peasantry of this land for their own preservation. In the new order of things the landed proprietors will not be able to keep their position as leaders if the people are alienated from them and it is with the intention of standing shoulder to shoulder with them that we have obtained the creed of the party in the manner in which we have done. But the sceptic would say that the 'proof of the pudding is in the eating'! Since we are to-day merely inaugurating the party, I would simply say "wait and see". Our action will no doubt be judged by the bar of public opinion ere-long: and with heart within and God over head, I am confident that the popular verdict will be in our favour.'

Continuing the president said that the organising committee formed at Ranchi to do the 'spade-work' had under the able secretaryship of the Raja Sahib of Surajpura succeeded in discharging its duties well. The Raja Sahib visited one district after another and met all classes of people to remove the misunderstandings that had unfortunately arisen in respect to this party and to gather support for it. The organising committee had adopted report of the sub-committees.

The labours of the constitution sub-committee were embodied in the proposed creed of the Bihar United Party. A very large number of men did not desire anything more than the immediate establishment of Dominion Status for India, or to call it by another nomenclature 'substance of Independence'. Clause (b) of the objects of the party laid down that the condition precedent to the party working the next instalment of reforms was that we must have by the same statute complete provincial autonomy and responsibility at the centre with such safeguards as were in the interest of India. None except a very small group of ultra-extremists could have any objection to work the constitution under these conditions.

The success of the party will undoubtedly depend mainly on its ability to bring about a solution of differences between the landlords and tenants and I suppose that this is going to be one of its chief planks, said the president. 'As you all perhaps know that in the argument between the landlords and the tenants on the tenancy question, the landlords have shown readiness to concede to a considerable extent in order to achieve their object of establishing relations of cordiality, amity and goodwill with them. I only hope that the tenants will appreciate the spirit in which the agreement was arrived at. I strongly feel that it is really the spirit that matters. Trust begets trust. If the tenants accept this gesture of goodwill on the part of the landlords with the same cordiality with which it has been made and create an atmosphere in which the landlords will feel their interest safe

in the hands of the tenants and *vice versa*, it will surely usher an era into being which will be one of peace and prosperity to the country. To my mind landed interest is one, and in that interest is wrapped up the fate of both the landlords and the tenants. If these two classes of people continue to fight and remain in separate camps, they must bid goodbye to any hope of agricultural improvements. It is only by the combination of the two sections of the landed interest that this agricultural country of ours can hope to emerge successfully from the present day economic crisis. I trust that the efforts of all members of our party may evolve a common plan by which they can successfully solve the problems, such as agricultural indebtedness, better product from their land, market for their produce, which alone can contribute towards their social and economic uplift.'

The Finance sub-committee had put forward a tentative scheme for raising the party's fund, which has been approved by the organising committee. It is impossible to run a political party without adequate funds and the sole criterion of the formula for the same had been the capacity of individual members to pay. It was, however, open to the party to evolve any alternative scheme which may serve the purpose, if this financial scheme did not meet with its approval.

Concluding, the Maharajadhiraja said: Do not refuse to cooperate with us from the very beginning on account of one imaginary suspicion or another. We are anxious to make our organisation a truly representative body of all classes and communities and if the people of all classes and communities join it, they will see that none of them has been ignored.

### Resolutions

*Mr. Syed Hasan Imam* then moved:

"This Conference resolves that a party be organised—called the Behar United Party—for securing by constitutional means and methods reforms leading to full Dominion Status for India, and further resolves that the persons present at this meeting do constitute themselves foundation members of the Behar United Party."

*Mr. Hasan Imam* referred to the suspicions of some people against the party and said that it was a partnership to work unitedly for the good of the country and if a partner proved dishonest, they had the right to break the partnership. As *Rai Bahadur Dwarka Nath* had said, the land-lords were offering them the hand of fellowship to work on a common platform and it was not expedient to reject the offer outright. The poor had the strength of their vote and could assert themselves against the Rajas and Maharajas.

*Sir Ganesh Dutt Singh* seconded the resolution which was also supported by *Mr. Abid Hussain*.

### PARTY'S CREED

*Mr. Sachchidananda Sinha* next moved:—

This Conference resolves that the creed of the Behar United Party be as follows:—

That the party be designed as the Behar United Party.

That the objects of the party be:—

(a) to secure, as speedily as possible, by constitutional means and methods establishment within the Empire of Dominion Status in India;

(b) to work the next instalment of reforms, provided complete provincial autonomy in the sense of having in the provinces a system of Government with a ministry responsible to the legislature and also responsibility in the central legislature subject to safeguards in the interest of India be conferred by the same statute:

(c) to promote a spirit of co-operation and good-will amongst all sections, classes and communities in the province and to bring together all the political groups working on lines consistent with the creed of the party to help in the establishment of stable administration;

(d) to find a solution of difference between the landlords and tenants in the province which will be both fair and equitable;

(e) promote the economic, educational and social uplift of the masses;

(f) to defend the interest of the masses against the introduction of fiscal measures of policy likely to be detrimental to them;

(g) to keep a constant and vigilant watch over the acts of the executive and the judiciary in this province and to scrutinise them in public interest.

The resolution was formally seconded by Sir Sultan Ahmad and supported by Mr. Athar Hussain. The amendment relating to Swadeshi which was accepted by the mover has already been referred to above.

#### MAHATMA GANDHI'S RELEASE

Replying to Babu Nageshwar Prasad who had urged that the Kisans could have any confidence in the party only if a resolution was passed and efforts were made for the release of Mahatma Gandhi and other political prisoners, Mr. Sachchidananda Sinha said that they did not deny the great sacrifices undergone by Congress men.

He had himself been a Congress man all life and differed from the Congress only in so far as the question of method was concerned. He wished Mahatma Gandhi might be released that moment. But it was proper that a separate resolution be moved on the subject.

At a later stage of the conference Mr. Sinha moved the following resolution which was unanimously carried :—With a view to allay unrest and to make the working of the reforms possible in a calm atmosphere, this conference appeals to the Government to release Mahatma Gandhi and other Congress leaders”.

Mr. G. C. Sondhi said that the consultation about the party took place in Government House and residences of collectors and commissioners and not in the cells of jails. He urged that the formation of the party be postponed till Congress leaders of the province came out of jails whose opinion about the party the Kisans might find out.

Raja P. C. Lal Choudhry said that so far as he knew the allegations of Mr. Gandhi were baseless.

The Raja of Surajpura pointed out that Babu Rajendra Parsad had said in a statement to the press that the province needed a party like the one they were forming provided it did not come in conflict with the Congress on the one hand and hobnob with the Government on the other.

The resolution embodying the creed of the party was carried as amended.

Babu Rajeshwar Prasad Sharma wanted some information and asked what the words “as possible” meant.

Mr. Sinha.—They mean one or two years.

Maulvi Mubarak Ali.—May I know, Sir, when the resolution has been passed now such questions are relevant?

The Maharajadhiraja of Darbhanga.—He wants some information and I have allowed him to seek it.

Babu Rajeshwar Prasad Sharma further asked what the words “Constitutional means” meant.

Mr. S. Sinha.—Methods which should not take you to jail (laughter).

Mr. Sharma said that Sir Tej Bahadur Sapru and Mr. Jayakar had received the plain reply from British statesmen that they could not get what they wanted. (Cries of “no, no”.) Mr. Sharma further enquired whether they would work the next reforms if the condition of provincial autonomy and central responsibility as embodied in the creed was not fulfilled and got a reply in the negative.

#### WORKING COMMITTEE

The following resolution moved by the Raja of Amawan and seconded and supported by Khan Bahadur Saghir-ul Haq and Mr. Myricle, was unanimously adopted:—

“This conference resolves that the present Organising Committee be converted into a Working Committee with powers to add thirty members for the purpose of framing the constitution of the party, preparing its rules and regulations and defining the quota of representation of all classes on the executive body of the party, which will be placed for adoption at the first general meeting of the foundation members of the party to be convened next month.”

Raja P. C. Lal Choudhry proposed a vote of thanks to the chair after which the Conference ended.



# THE INDEPENDENT PARTY CONFERENCE

The following is the text of the address delivered by *Sir Abdur Rahim*, at the Independent Party Conference held at Cawnpore on Sunday the 5th. March 1933:—

“Let me explain to you in as few words as possible, why we are here to-day to participate in the deliberations of this Conference, which has been convened by the Independent Party, recently organised in Lucknow. The main idea is to get such representatives of different communities, Hindus, Muslims, Sikhs, Parsis and Christians, as are prepared to face boldly, and in a practical spirit of give and take in order to build up a strong, prosperous and free Indian nation.

“I do not believe that mere political or constitutional theories, however sound ordinarily, or popular catch words, however appealing, afford any solution. We have learnt this by bitter experience. Experience has also taught us that the true remedy in the existing condition of things lies in reaching a reasonable adjustment of the various, more or less conflicting claims, in the political, administrative and economic spheres in a spirit of justice and fair-play. This method alone, we are convinced, will usher in the dawn of true and lasting nationalism in the country. We must appreciate the needs and difficulties of the different sections of the population, and do our best to meet them. We must recognise that means have to be devised for the uplift of all, and not merely of a class or section. Otherwise, there is not the least chance of bringing India on to the level of modern progressive countries. We have naturally the same ideals, political, economic and social, before our mind's eye, as most other political bodies. Our conception of the destiny of our country, is indeed that of a great nation, among the greatest nations of the earth. But we see clearly that we cannot secure Dominion Status, not to speak of Independence or Swaraj by any form of agitation, constitutional or other wise, unless we have evolved a common will and purpose at least among the politically-minded classes. Even then, it will be no easy task, but without it, it is idle to dream of self-government in its true significance. All attempts made, for instance, to weld together the different elements of the general population by means of a common electorate have failed hitherto, as some of us were afraid they would. What you and I have in view should not, however, be impossible of achievement, namely, a common organisation of representatives of different sections of the people determined to make the best of such opportunities as we can secure to advance the country on the path of self-government. A great thing in a matter like this is to make a bonafide beginning somewhere. This we have found possible in the Assembly, and there is no reason why it should not be equally possible in all the legislatures and why such a political party should not be supported by a strong organisation in the country.

“You have made a beginning in the United Provinces, though under different names. In the Assembly, as you perhaps know, there are five political parties without including in the account the large official group and the few members who have not attached themselves to any party. The Independent Party forms the largest group with a strength of 37 members, of which 19 are from Muslims and 18 from general or special constituencies. Of the latter 2 are Parsees, 2 Sikhs and 14 Hindus. All the provinces are fairly represented. That we are able to work harmoniously is evident from the fact that the party has been steadily growing, and it is possible that there will be further accessions to it before long. I am satisfied that the days of communal politics are fast nearing their end, at least in the legislatures.

“Gentlemen, one reason why we find at present so much division and strife among our politicians, generally, is that most of them have concentrated their efforts mainly on how to wrest political power and administrative position from the British. The struggle in this connection has become so keen and prolonged, that most of us have failed to devote any time and thought to formulating and keeping constantly before the public eye, a programme of beneficial constructive work. The result is that people have become distrustful of the bonafides of many politicians, and are beginning to doubt whether they mean to do any good by the people, and not merely to feather their own nests and those of their kith and kin. I would advise you to avoid any such mistake. Go on striving for political rights and liberty, but at the same time always keep attention of the Independent Party fixed on some beneficent constructive programme, which will necessarily benefit all sections of the

people. You will then find that among the members of your party confidence in each other's good intentions will grow rapidly, and there will be no difficulty in the way of Muslims, Hindus and Sikhs working together. The final solution of the communal problem that confronts us to-day with so much of persistence, will be reached when the development of the vast and varied resources of the country is actually taken in hand with a well-thought out plan. Then, it will be possible to find suitable employment for different sections of the people, and to raise the standard of living of the general population to a level of comfort and contentment, a standard which in India at present is attained by only a few. It is only then, again, that we shall be able to spread the blessings of health, education and enlightenment in the villages and cottages throughout the length and breadth of the land. India can achieve this with the help of modern Science as Europe and America have achieved, to a large extent.

"Barring one or two isolated schemes, India has not even taken the first steps in any general plan of economic development. We have not yet even a single properly equipped institute for technical training. We all know how Science has increased production of all kinds of commodities, and that its capabilities in this direction are almost unlimited. But where nations have failed hitherto, is in evolving a proper scheme of distribution, partly because of the barrier of nationalism, and partly because old-world Capitalism has not been able to adjust itself to the new conditions that have arisen since. As a result of the war still more perplexing have become the problems of currency and exchange. Indian politicians and economists must watch with the greatest vigilance the proceedings of the World Economic Conference, which will be held in America, for India has a vitally large stake in the issues involved.

"Gentlemen, in the Independent Party of the Assembly, not only representatives of different communities and classes are grouped together, but divergent economic interests. I do not wish to speculate how ultimately the different interests will align themselves, but we all recognise that for the present and in the near future, the dominant interests have to make some sacrifices, while the others have to moderate their demands. Otherwise, the Legislature will remain, as now, the scene of barren internecine strife.

"None of us here can definitely envisage what the next Government of India Act will be like, but if it enacts a blend of autocracy and democracy within the limits of one and self-same constitution, so balanced as to secure an equilibrium, such a constitution can only serve to maintain the *status quo*, and it will not be possible to promote any large policies for the uplift of the people. If that be the object, then it might well be asked why introduce so many complications in the life of the country, and burden the resources of a poor people, with such heavy expenditure. But, my conviction is that world forces, whatever devices may be restored to check them, will ultimately have their way, and it will be the function of a party like ours to help the evolution of a truly National Government by the people for the people.

"I entirely agree with the conclusion arrived at by Lord Bryce, after a detailed survey of all democratic Governments in his well-known book on 'Modern Democracy', that Democratic Government has really not failed anywhere.

"Gentlemen, I have indicated to you the principles for which the Independent Party of the Assembly stands. As you are going to set up organisations in the country in support of these principles, you will no doubt frame appropriate rules for the purpose, but I must emphasise that your success will entirely depend upon the extent of the support you give to the leaders whom you may have chosen. My friend, Mr. Mushir Hossain Kidwai is well known for his earnest Nationalism, and his position in the country is above question. Maulana Hasrat Mohani, Honorary Secretary, is a sturdy patriot and zealous political worker, imbued with the idealism of a poet. He and his colleagues command the confidence of a wide public, Muslim and Hindu. But never forget that the *raison d'être* of the party is that its doors must be open to political workers of all communities. In fact, unless it always includes a substantial proportion of representative men of each community, it will degenerate into another futile communal organisation, whatever name you give it. Invite all men who, whatever religion or caste they may profess, believe in your political creed and are willing to work on the lines I have sketched, to join hands with you in the noble task of combining efforts to make our country a land of freedom, harmony and happiness. I wish you all success."

# The Bombay Provincial Non-Brahmin Conference

The special session of the Bombay Provincial non-Brahmin Conference was held at Poona on the 14th. Jannary 1933 with *Mr. J. G. Moore*, M. L. C., in the chair with a view to organise a party and to express opinion on the work of the Round Table Conference. The preliminary difficulty arising out of *Mr. D. V. Raut*, permanent secretary, challenging the legality of the conference in the press was settled by *Mr. B. V. Jadhav*, permanent president, declaring that he had sanctioned the session as such a session was legal.

*Mr. B. Jedhe*, chairman of the reception committee, welcoming the delegates stressed the necessity of a better organisation, of their party. He also opined that interests of non-Brahmins had not been adequately heeded to in the Round Table Conference.

*Mr. Moore*, president, emphasised the necessity of a better discipline and organisation in their ranks and remarked that the working of the non-Brahmin party in the Bombay Council was unsatisfactory. It was necessary now, when they were looking forward for a new constitution, that they should be a well organised body. He also thought that non-Brahmin interest had not received adequate attention at the Round Table Conference.

The conference elected a select committee to consider resolutions which would be moved in the open session the next day. *Sir A. P. Patro* who originally had intended to break journey at Poona on his way to Madras from Bombay and attend the conference in order to settle misunderstanding regarding the legality of the conference did not, however, halt at Poona in view of the settlement and proceeded to Madras.

## Resolutions

Resolutions touching upon the forthcoming constitutional changes, the communal award and the temple entry question were passed at the resumed sitting of the Conference on the next day, the 15th. January.

The first resolution moved by *Mr. B. V. Jadhav*, M. L. A. permanent president of the Conference, was as follows: "While welcoming the assurance of the Secretary of State that inauguration of federation and central responsibility will not be indefinitely postponed, the conference opined that if this was made to depend on States' willingness to enter the federation, then the natural progress of British India would be unduly and unnecessarily delayed; that with a view to avoid this delay full provincial autonomy and central responsibility should be introduced early next year, leaving the door open for States to enter on reasonable and honourable terms; that States when they entered federation should be given representation in the lower chamber on the population basis only and their representatives were to be elected by states' subjects and not by nomination of rulers; that special powers conferred on the Governor-General and Governors should be exercised only in the event of a complete breakdown of administration and for protection of minorities; that reserved subjects like the army should be subject to the financial control of the federal legislature and Indianisation of army should be under the direction of a Minister responsible to the legislature; that the future Indian Government should have the power to protect in every possible manner its growing infant industries; and that introduction of Reforms on the above lines has been long overdue which was the cause of widespread discontent in the country." The resolution was seconded by *Mr. D. B. Bale*, ex-Dewan of Kolhapur and was passed unanimously.

Another resolution disapproved of the Special Powers Bill passed by both the central and the provincial legislatures.

The third congratulated Mahatma Gandhi on his efforts to remove untouchability, and while according to him support, appealed to the Viceroy to give sanction for the introduction of Temple Entry Bills.

That seven seats given to allied castes in the Bombay Legislative Council under the communal award against 10 for the depressed classes was most unsatisfactory, was the view expressed by another resolution.

After appointing a representative Committee to organise the party, the Conference concluded its special session.

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# THE DEPRESSED CLASS ELEVATION

## REVIEW OF OFFICIAL MEASURES

The following Press note was issued by the Director of Public Information from New Delhi on the 29th. March 1933 :—

In all Provinces, special measures have been adopted, particularly in recent years, to develop and expand the education of the Depressed Classes and to improve their economic and political conditions.

In order to improve their political status, Government have, in addition to nominating their representatives on the Provincial Legislative Councils, provided for their representation by nomination on the municipalities and local boards as well. Their solicitude for the position of the Depressed Classes in the future Government of the country is also apparent from the fact that under the Communal Award, Depressed Classes were given separate representation in the Provincial Legislature. The Government have also since agreed to accept the amendment of the Communal Award, proposed under the Poona Agreement, so as to give the Depressed Classes joint representation with the general Hindu community.

Other measures adopted by Government for their benefit have varied according to local needs. Below are given particulars of what the Government have done in each Province for the uplift of the depressed and backward classes.

### MADRAS

In Madras, where the caste system is most rigid, special measures for the encouragement and protection of the Depressed Classes in regard to their education have been necessary. The more important steps taken during the last 15 years have included :—

(i) The appointment of a Commissioner of Labour entrusted with the task of encouraging the education of the Depressed Classes;

(ii) The insistence on the right of admission for Depressed Class pupils into all public managed schools;

(iii) The refusal of grant-in-aid to privately managed institutions which do not admit Depressed Class pupils;

(iv) The removal of publicly managed schools from places inaccessible to Depressed Class pupils;

(v) The opening of special schools and hostels for the Depressed Classes;

(vi) The remission of fees and the provision of scholarships; and

(vii) The provision of special facilities for the training of Depressed Class teachers.

The total number of institutions intended for Adi-Dravidas and Adi-Andhras in the Presidency during 1931 was 362,239. The Government have issued instructions that Adi-Dravida schools provided by Government or other agencies should be maintained as efficiently as the existing public schools, that Adi-Dravida teachers should be replaced by trained caste men when Adi-Dravida teachers are not available and that a minimum standard of equipment should be maintained.

Twenty-one posts of District Labour Officers have been created under the Commissioner of Labour. During 1931, there were altogether 1784 schools for the Depressed Classes under the control of the Labour Department in these 21 districts, with 63,604 pupils, of whom 10,746 were girls. 84 per cent of the teachers who numbered 2,131 were trained. Three hundred and eightyseven additional scholarships for general education were granted and 967 renewals were made. In addition 8 collegiate scholarships, 50, residential scholarships for study in secondary schools, 169 industrial scholarships, 10 scholarships for learning motor mechanism and driving, and 10 commercial scholarships were granted during the year. In addition, grants for fees, purchase of books and clothes were made. Twenty-two fresh stipends and 25 renewals of stipends for teachers' training were also granted. The Department also maintains a number of hostels for the Depressed Classes, and 217 boarding grants were paid during the year. Besides, Depressed Classes pupils are admitted

into all grades of institutions on payment of half fees and have been accepted as candidates for S. S. L. C. examination without examination fees.

In 1931, grants amounting to 13,690 were given to five institutions under other managements for boarding members of the depressed classes and grants were also given to private bodies for the maintenance of Educational institutions.

During the same years there were 1,500 special schools for Mapillahs, with 107,000 pupils, and 2721 Mapilla teachers.

Nine private bodies maintaining schools for the Depressed Classes were given grants amounting to total sum of Rs. 15,500.

The total expenditure on the education of the Depressed Classes in the Presidency during the year was Rs. 6,49,508.

In addition, the following ameliorative measures have been adopted by the Government :—

In 21 Districts, including Madras, the Government maintain a special staff for ameliorative work under the Commissioner of Labour. During 1931, 22,770 acres of Government land was assigned free of cost to the Depressed Classes for the provision of 1973 house sites. The total extent of Government land so far assigned to Depressed Classes for this purpose is 342,611 acres, and the total number of sites provided since the commencement of the operations is 36,530. A sum of Rs. 3,26,235 was spent during the year on the provision of drinking water facilities for the Depressed Classes. In Madras city Rs. 58,000 was spent on various improvements to the cherries of Depressed Classes and a certain amount on the provision of roads and bridges for their benefit.

Successful work was done in the Colony at Clavakkot for Nayadis, the lowest of the Depressed Classes of Malabar, and the process of weaning them from their traditional occupation of begging and teaching them agricultural operations has been pushed forward. A teacher was also appointed to teach the colonists in basket making.

There were no less than 3,170 Co-operative Societies in the Presidency for the benefit of the Depressed and backward classes. Of these 1,36 were in charge of the Labour Department.

#### BOMBAY

In the Bombay Presidency, the Government had as far back as 1932 issued orders that no disability of any kind should be imposed on the children of the Depressed Classes in any school conducted by public authority and that all schools located in temples should be removed to accessible buildings and that no grant in aid should be paid to a privately managed institution which did not admit Depressed Classes children.

In 1931 there were altogether 620 special primary schools and classes for the children of the Depressed Classes with a roll of 12,500 pupils, in addition to those attending ordinary schools. The Government maintain a hostel for Depressed Classes students at Poona and there is another hostel for them aided by Government at Ahmedabad.

Recently the Government appointed a committee to enquire into the educational, economic and social conditions of the Depressed Classes and the aboriginal tribes. The following are among the main recommendations made by the Committee :—

(1) Reinforcement of the Government policy that there should be equality of treatment for all classes of children in publicly managed educational institutions.

(2) Encouragement of common schools as opposed to separate schools for Depressed Classes.

(3) Desirability of a more frequent interchange of teachers between the common schools and the separate schools.

(4) Abandonment of the practice of labelling schools as Depressed Classes Schools or low caste schools.

(5) Recruitment of teachers belonging to the Aboriginal tribes to Vernacular Training Colleges for training, with a view to their employment in schools intended mainly for the children of these classes.

(6) Grant of special promotions to teachers taking special interest in the education of backward class children.

(7) Institution of additional scholarships in primary schools and relaxation of age limits under certain conditions.

(8) Increasing the number of teachers belonging to backward classes in primary schools.

On the recommendation of this Committee, the Government have appointed a Backward Class Officer to watch over the interests of the backward classes and aboriginal tribes and to see that their progress is continuous and their rights are upheld. Government have also decided to constitute a Backward Class Board, whose functions are to be consultative and advisory.

In December last the Government issued orders, giving effect to the recommendation of the Legislative Council that Government should reduce any discretionary grants allowed to primary and secondary schools under their control, or maintained by municipalities or local boards, or other Government aided institutions, in which admission is refused to children of the Depressed Classes on the ground of custom, religion or orthodoxy of the Hindus.

The Government have also issued instructions that no distinction should be made in Government and aided hospitals and dispensaries in the treatment of patients belonging to the Depressed Classes on the ground of custom, religion or orthodoxy of the Hindus.

They have also only the other day issued a resolution, directing that, in future, requests from local bodies for wells, tanks, dharmshalas etc., should not be granted except on the condition that all classes alike will have equal facilities for using such wells, tanks etc. The measure suggested by the Depressed and Aboriginal Tribes Committee is to erect notice boards near all the public wells, and other public buildings. Government consider that this proposal is worth a trial and they are accordingly pleased to direct the local boards to this effect.

Certain percentage of places in the secondary schools in Government professional colleges and primary training institutions have been reserved for candidates belonging to the backward and depressed classes.

#### BENGAL

In Bengal, owing to the fact that Depressed Class pupils find no difficulty in being admitted to the ordinary schools, the Depressed Classes are not classified separately but are grouped along with the backward classes. The Government makes an annual grant for the education of the backward classes, and this amount is spent mainly on scholarships for these classes, on capitation grants to teachers in the schools attended by the backward classes, and on the provision of facilities for the training of teachers belonging to these classes. In addition, Government have sanctioned free studentship to the extent of 15 per cent of their number for D. C.

During 1931 there were in the Presidency Division 569 special schools for the backward classes. In Burdwan Division there were 246 special schools for Sonthals, and in Dacca Division 1,067 schools meant exclusively for the children of Namasudras. Special hostels have been provided for Namasudras in Calcutta, Faridpur, Jhalatali. One university hostel for yogis is also receiving subsidy from Government. There are other hostels attached to Chittagong College, collegiate school; Ragmati school and Darjeeling school—and one at Rangpur for Rajvansis.

#### UNITED PROVINCES

In the United Provinces the Government have encouraged the education of the Depressed Classes by the appointment of special supervisors of schools, by the remission of school fees, and by the provision of post-primary scholarships. Under the contract system of financing primary education Government have prescribed the minimum expenditure that should be incurred by local boards on the education of the Depressed Classes, and a lump grant is made annually towards the total expenditure under this head. The District Boards have been encouraged to open special schools for pupils of Depressed Classes.

In 1932 there were altogether 757 special schools for the Depressed Classes with 26,074 pupils on roll. There were, in addition, in ordinary schools 95,340 pupils belonging to these classes. A feature of the education of Depressed Classes which has been recently noticeable is that the number of children of these classes in ordinary schools has shown a tendency to increase, as prejudice against their admission is gradually diminishing. Special scholarships have been provided by the Government to enable boys of the Depressed Classes to proceed to middle and high schools and other Government artisan and technical schools.

Government have also appointed an Advisory Committee to advise Government on all such questions concerned with the education of the Depressed Classes.

In technical and industrial institutions 25 per cent of the scholarships and stipends are reserved for boys of Depressed Classes. Government give a grant of Rs.



60 P. M. to a private Depressed Class industrial school at Khurja. Besides, several other schemes for helping the Depressed Classes in various divisions have been prepared and are at present under consideration.

Members of Depressed Classes have been nominated to all the district boards in the province and to 76 municipal boards out of 82. The same representation has been extended to the village Panchayats also. A member of Depressed Classes has also been nominated to the United Provinces Legislative Council.

If funds permit the Government propose to give a subsidy of Rs. 200 per member to the paper which the General Secretary, United Provinces Depressed Class Association, Bareilly wishes to start for ameliorating the conditions of the Depressed Classes. It is also proposed to make an inquiry into the educational, economic and social conditions of the Depressed Classes and to recommend measures for their uplift when the finances of the province improve.

#### PUNJAB

In the Punjab, a limited number of separate schools for the Depressed Classes have been opened, but the Government have always insisted that local bodies should give equal opportunities of education to all classes of the communities. In 1929 the Government issued a resolution requiring all officers and Departments concerned to encourage the education of the Depressed Classes and special facilities in the shape of scholarships and concessions in fees have provided, and these facilities have begun to produce good results. The Educational Report for the Province for 1931 shows that "the number of special schools for low caste boy is going down without any decrease in the number of scholars attending them and the number of such boys in ordinary schools is increasing satisfactorily." The prejudice against the low-caste boys is rapidly dying. There were altogether 32,418 pupils belonging to the Depressed Classes undergoing instruction during 1931.

As regards industrial schools and specialised institutes there has never been any spirit of exclusion or practice of discrimination. The system of scholarships and stipends sanctioned by Government for industrial schools is also very generous, and as the basis of award is poverty, the Depressed Classes would naturally have the first claim on them. The privilege of exemption on the score of poverty is generally enjoyed by the Depressed Classes.

The Department of Industries has organised for the benefit of chamars a village Tanning Demonstration Party which holds practical demonstrations of the improved methods of tanning in villages which are chiefly populated by chamars.

The Government has also taken to the task of reclamation of criminal tribes to honest and peaceful citizenship.

As a result of the control exercised and sympathetic guidance provided, of 35,431 men left in the districts, 16,417 have already earned their emancipation from the provisions of the Criminal Tribes Act while 19,014 are still working under the supervision of the officers of the Criminal Tribes Departments in the districts.

Primary schools for boys and girls are maintained in all settlements and are at present attended by 1,145 boys and 776 girls. Over 520 youths are attending night schools which have been established for the benefit of young men who have to work during the day time. In many schools boys of the Criminal Tribes are being educated side by side with the children of respectable Zemindar classes.

The Reformatory schools at Moghalpura, Amritsar and Palanpur are also doing excellent work for the uplift of the Criminal Tribes—Special efforts are being made in the districts to enforce compulsory education among the children of the Criminal Tribes and as a result of this 6,304 boys are now attending public schools side by side with the children of other classes.

Government has been taking pains to remove all sorts of disabilities under which they labour through the departmental officers employed in districts who visit them frequently, look into their grievances and try to remove the same as far as possible.

Wells have been provided at Government expense in all settlements and all are allowed free access to them irrespective of caste or creed. The question of pollution by touch or by approach within a certain distance is not acute in this province, at least it does not seem to have attached notice here.

The Criminal Tribes Department has also done useful work by prevailing upon the Depressed Classes to give up wandering habits and settle down and take to some remunerative occupation. Many colonies which are models of self-contained villages built on cooperative principles, are the fruits of the attempts made in this direction by the Criminal Tribes Department.

Twenty-two co-operative supply, 14 co-operative credit and 1 co-operative thrift societies have so far been established in the various districts to keep the criminal tribes settlers free from the influence of money-lenders, who when they come in close contact with them are apt to keep them in a perpetual state of dependence.

#### BIHAR & ORISSA

In Bihar and Orissa, special measures have been adopted to develop the education of the Depressed Classes, including the provision of scholarships and fee remissions and the payment of special rates of pay to teachers in schools which admit Depressed Class pupils. A special inspecting staff has been appointed to supervise the education of the Depressed Classes. In 1926, the Government decided that for a period of five years Depressed Class pupils should be admitted free in all secondary schools managed or aided by Government in which less than half the pupils were Depressed Class pupils. In 1931 there were 211 special schools for the untouchables in the Province, with 24,187 pupils, and a total sum of Rs. 45,452 was spent on the education of these classes.

#### THE CENTRAL PROVINCES

In the Central Provinces the Government have amended the educational rules so as to prevent the refusal of admission of any Depressed Class pupil into a publicly managed institution. Fee remissions and scholarships have been liberally awarded and bonuses have been paid to headmasters of primary schools for each Depressed Class pupil passing the primary certificate examination. The rules provide for special grants to be made to schools for the Depressed Classes opened by private bodies and for the erection of hostels for Depressed Classes students.

During 1931 there were 20 special schools for the Depressed Classes in the Nagpur Circle, and some in Behar Circle. Five collegiate, 18 high school and 30 middle school scholarships were provided during the year.

#### EDUCATIONAL WORK

The number of depressed class pupils is 46,361 now as compared with the 34,539 in 1926-27.

In spite of scholarships, stipends and various other remissions, the Principals of Colleges have been instructed to pay particular attention to the educationally backward classes. Lodging of Depressed Classes pupils in common hostels and equal treatment to them are encouraged.

A two-third grant is given by Government to schools meant mostly for Depressed Classes; other schools get one-third. Depressed Classes hostels get 50 per cent grant on expenditure on cooks, servants, contingencies, repairs etc. In one case food charges at Rs. 5 per mensem per head are also included as approved expenditure for purposes of 50 per cent grant.

A Depressed Classes Hostel at Nagpur was paid a building grant of 25,000 in 1925-26 and of 7,640 in 1931-32.

#### ECONOMIC UPLIFT

The Government have taken following measures which are conducive to the improvement of the economic condition of the Depressed Classes :—

(1) Modern weaving appliances, such as, improved flying shuttle sleys and dobbies are popularised by means of propaganda among the handloom weavers of whom the Mahars form a considerable proportion—with the result that the cottage weaver has been able to double his output and increase his earnings.

(2) A leather tanning school equipped with finishing tannery has been set up at Nagpur for the instruction of the sons of Chamars, and others in modern methods of curing and tanning hides.

Mochi classes were started at different places for the training of mochi boys in the improved methods of boot making but had to be closed on account of the apathy and indifference shown towards them.

There are at present 3 Government and 6 Government aided industrial schools in the province to impart training in carpentry and blacksmithy to the boys of all classes especially the artisans and the lads of Depressed Classes. Fifteen seats have been reserved in the Nagpur Government school of handicrafts for the Mahar lads of Akola (Berar) in response to the request of Akola Mahars.

## SOCIAL UPLIFT

In order (a) to remove social handicaps of the Depressed Classes and (b) to secure them requisite proportion of representation in public services, the following measures have been adopted :—

(a) Public Places User Bill—to secure enforcement of rights of using public places (excluding temples) by the Depressed Classes—was passed by the Central Provinces Legislative Council in last January session and it is now awaiting the final sanction of His Excellency the Governor and the Governor-General.

(b) Orders were issued to all heads of departments to regulate appointments under their control in such a way that while efficiency is not sacrificed, the requisite proportion of representation may as nearly as possible be attained within a reasonable period.

In order to improve their position and status, members of the Depressed Classes are nominated on Municipal Committees, District Councils and Local Boards to rectify as far as possible the inequalities of representation inseparable from any system of election.

The Government has informed all the Local Boards that “no law, rules or bye-laws prohibit the use of public wells, bawadis, bathing ghats and sarais by Depressed Classes and that the practice if any to the contrary should be discouraged.”

## POLITICAL

For the improvement of the political condition of the Depressed Classes in the Central Provinces and Berar the Government have also recommended to the Indian Franchise Committee to reserve 10 seats for those classes in plural constituencies.

## The Depressed Classes Deputation

### Memorial to Viceroy

The following is the text of the representation of the Deputation of the Depressed Classes of India led by *Rao Bahadur M. C. Rajah*, M. L. A. which waited on the Viceroy at New Delhi on the 29th. March 1923 :—

On behalf of the Depressed Classes of India who are treated as untouchables by reason of a cruel superstition prevailing among the Hindus, superstition totally opposed to the principles of the Hindu religion, but yet mixed up with and looked upon as a part of religious practice, we seek the guidance and assistance of Your Excellency's Government in removing the disabilities they suffer under.

Your Excellency was the first to nominate a member of the Depressed Classes to a Provincial Legislature in India. Your Excellency was the first to create a Special Department in the Presidency of Madras for the protection of the interests of the Depressed Classes.

We, the Depressed Classes of India, hope and trust that during Your Excellency's term of office our claims will be fully organised, our demands will be readily met and our wrongs will be promptly righted.

The people on whose behalf we approach Your Excellency, are not treated as out-castes by Hindus alone. The social bar that has been put upon them in the Hindu Society affects the psychology of other communities also, except in the cities and urban areas. Our peoples are treated as unclean by birth and unfit for close association even by the Mussalmans, Christians and other communities among whom they live. The removal of our disabilities is therefore not merely a Hindu question, but a national question.

A superstitious practice that inflicts suffering and unmerited degradation on 46 million souls cannot be treated by the State as a matter in which it can take up an attitude of neutrality. We look to the Government for active assistance in the measures required for our emancipation. We have all along felt that one of the justifications of the British rule is the rendering of justice to and the liberation of



our oppressed community. We should be deeply disappointed if the Government takes up an attitude of indifference or leaves things to take their own course.

We venture to say the above in view of the awakening of the Hindu conscience that has been noticed in regard to our condition and status, and the reasonableness of public desire for active assistance of the Government to make the movement more successful.

We certainly desire the improvement of our material condition and this is our foremost concern. But the poverty and illiteracy of our people cannot be materially remedied by non-official efforts. They can only be solved by State action and a thorough overhauling of administrative, economic and social outlook. We fear also that the poverty and illiteracy of the vast population of India are such that our difficulties can hardly be solved independently. The one root cause that puts our community in a worse position than other sections of the Hindus is the superstition that makes our people an untouchable class. Trades, professions and facilities and opportunities open to others are not open to our people on account of their being looked upon as congenitally unclean. The degradation becomes all the worse by the hypnotism that makes our people submit to this superstition. This can be remedied only by a change in our social, religious and legal status.

We therefore welcome the movement in the Hindu community to reform its religious practice in respect of the treatment and status accorded to our people. The opening of temples to our people along with other Hindu castes is a matter of the greatest importance for our social emancipation. We quite realise that we cannot hope for a permanent emancipation and betterment unless our status in the Hindu religion is improved. We, therefore, hope Your Excellency's Government will assist the passage into Law of the Temple Entry and Anti-Untouchability Bills. The *raison d'être* of British rule in India is to secure just treatment for the Depressed Classes and to stimulate and guide progress among weaker communities. The British Government, we submit, should not be afraid of doing a just thing on behalf of the Depressed Classes out of deference to the wishes of the Caste-Hindu community.

The courts in India are now assisting the enforcement of the superstition of Untouchability. British law has not left the superstition to its own resources but has placed the machinery of the courts and the State at the disposal of the Caste-Hindus in the maintenance of those superstitious practices. Even if the Government cannot interfere in the religious practices of the Hindus it should at least refrain from assisting in the enforcement of such practices when they are opposed to humanity and public welfare as in the case of treatment accorded to us. The Bill for the abolition of untouchability, sought to be introduced in the Assembly, puts an end to this anomaly and does not interfere with the religion of any person or community.

#### THE TEMPLE-ENTRY BILL

The Temple Entry Bill for which we seek Your Excellency's support is drafted so as to provide a legal machinery for peaceful and gradual evolution of reform with the consent of the people concerned. Each locality will be enabled to work out a suitable compromise for solving the question of our status. We beg Your Excellency to help in the achievement of a peaceful solution of this question that so fundamentally affects the dignity and the daily life of a community of forty-six million souls who cling to the ancient Hindu Religion to which they belong, and who wish to find an honourable place in it without causing turmoil or disturbance.

We submit that there is no substance in the argument generally advanced that the proposed legislation would be an infringement of trust and property rights. There is no attempt in either of the Bills to divert property from their original purpose or ownership. The mode, the manner and the place from which worship is offered, may be changed from time to time. This does not mean that the property of any person is sought to be confiscated any more than the use of public roads being extended to our people, could be interpreted to mean an interference with the rights of others. A narrow interpretation of the law to prevent our emancipation, we hope, will not be tolerated by Your Excellency's Government. Eminent lawyers have assured us that in spite of the phrases employed by the opponents of reform, it is within the competence of the legislature to pass the Bills under consideration.

The special privileges that the Depressed Classes enjoy even to this day point to their former greatness. At the annual festival of the goddess of George Town in the premier city of Madras, the Thali or marriage badge is tied round the goddess by a member of the Depressed Classes in the name of the entire community. A member of the Depressed Classes officiates as priest at the bull games at Dindigul; during the great Hindu annual festivals at Conjeevaram

Srivilliputtur, Kumbakonam, Trivottur and other places in the South, the members of the Depressed Classes are allowed to pull the ropes of the huge cars containing the idols. During the festival of Siva at Tiruvalore in the Tanjore District, the headman of the Depressed Classes is specially honoured by being placed on the temple elephant along with the God and made to carry the Chowry in his hand for fanning the idol. In the famous temple of Krishna in Melkote, in the Mysore State, members of the Depressed Classes are accorded special privileges. Melkote is the chief seat of the Sir Vaishnavite Brahmins and the place where Sri Ramanuj lived in the 12th century. They enjoy a similar privilege at Sriperambadur in Chingleput District. In the case of a number of temples there is a periodical admission of the Depressed Classes even under the present practice.

The Valluvars, a section of the Depressed Classes, were priests to the Pallava Kings, before the advent of the Brahmins and even for some time after. Sir Harold Steward in the Census Report of 1891 quotes an unpublished Vattelutta of the 9th century which says that Sri Valluvar, the temple minister, will employ six men daily and do the temple service.

Further, Dr. Gustav Oppert in his book, "The original inhabitants of Bharatvarsha or India", says, "Valli is a well-known female name common among the Pariahs and Pallars".

"Subramanya, the South Indian representative of Kartikeya, the son of Siva,..... is credited with having chosen a South Indian girl called Valli as his wife".

"The Subramanya's wife, Valli, was a low-caste South Indian woman".

"Parvati, the wife of Siva and daughter of the mountain Himalaya, is even worshipped as a Pariah woman in her disguise as Matangi".

Among the twelve Alvars or Vaishnavite Saints who are now being worshipped as gods in Vaishnavite temples, the famous Tirupan Alwar and Nambaduwan and Maraneri Nambi belong to the so-called Untouchable Community. The famous work of Tirupan Alwar, Amaran Adiparan is chanted in all Vaishnavite temples even to this day. It is accepted by all, Brahmins included, that Tirupan Alwar has become one with God Shree Ranganadha at Srirangam. Among the 63 Nainars of Saivite Saints, the well-known Nanda and the holy Shiruvalluvar, who are now being worshipped as Gods in Saivite Temples, belong to the same Community. Kavi Das of Oudh Chokamela of Maharashtra and Haridas of Bengal, these notable saints also spring up from the Untouchable Classes of India. In Bakthavijayam we find Chokamela was accepted as a Guru by the learned Brahmins of Pandaripur. It is said in the sacred work Manushya Pauchakam of Jagat Guru Sree Sankaracharya, the founder of the four Sankara Pedams, that he accepted one Vishwanadham, a member of the Depressed Classes, as his Guru and received initiation from him. Arundhati, the wife of Vasistha, the Brahmarishi, who is famous for her chastity, belonged to the Untouchable Community, Jambavan, the custodian of all ancient learning and a mighty warrior, who was the commander of the army of Sri Ram Chandra, also belonged to the same Community.

These facts show that the so-called Untouchables were intimately connected with the important Hindu Temples in India and that these temples originally belonged to them.

We beg to point out to Your Excellency that non-official Bills can hardly emerge as law without the assistance of the Government. The freedom of debate and discussion that is given under law will be abused for the purposes of obstruction and impediment unless the Government helps to facilitate the passage of the Bills. We fear that if the present opportunity is let slip history will have a very poor opinion of the wisdom of the present generation.

We beg to assure Your Excellency that at no time in the history of reform in India was there so favourable an atmosphere for the removal of our disabilities in a peaceful manner as to-day and we trust Your Excellency will help us to take advantage of this great occasion in the history of progress in India. We have no doubt that Your Excellency who has already earned our everlasting gratitude will put a coping stone to the work undertaken in Madras and now ripe for final and decisive action. In conclusion we express our most grateful thanks to your Excellency for giving us a patient hearing.

#### Viceroy's Reply to the Deputation

His Excellency the Viceroy, replying to the address presented by the deputation of the leading members of the Depressed Classes observed:

Gentlemen,—I need hardly say that it is a very great pleasure to me to meet

the members of this deputation of the so-called Depressed Classes, whose development and advancement have been, I think I can claim, one of my special interests during the year that I have been associated with administrative affairs in different parts of India. I assure you that I have listened with much interest to the various points you have raised in your address.

Your address deals with the problem of the removal of the economic, social and religious disabilities under which you suffer. The problem has been frequently before me during the years I have spent in this country, and it is a matter of personal satisfaction to me that you remember, and in your address recall, the steps which I initiated when in Madras to recognise your claim to some form of political representation and to ameliorate your social and economic position, by creating a special department to look after your interests. I am glad to be able to say that that work has been continued by successive Governments of Madras and that considerable sums have been spent by them in recent years to improve your economic position by the acquisition of land for house sites and for cultivation, and by the provision of wells and drinking water facilities. Special efforts have also been made to develop co-operative societies for their benefit.

These facts go to show that the Government in the province in which the problem is most acute are very much alive to your interests, and realise fully the necessity of improving your economic position. There are other spheres in which all Local Governments have dealt with this problem. In particular they have paid special attention to the improvement of educational facilities for the members of your class. They have supplemented the work which is being done by voluntary agencies, and have done what they can to ensure that pupils coming from your classes should receive equal opportunities of entering into an equal treatment in all public managed institutions. They have encouraged the entry of such pupils by various means, such as, remission of fees, the award of scholarships and special supervision. In spite of the obstacles to be overcome, these measures have led to a large increase in the number of students.

I may quote two further instances to show the sympathetic attitude of Local Governments towards you. The Government of Bombay have recently issued a resolution, on the recommendation of the Committee appointed to examine the social position of the Depressed Classes and aboriginal tribes in that province and have detailed therein the action which they have taken, and propose to take to secure the right of access of the members of the Depressed Classes, to wells, schools hospitals and dispensaries provided and maintained out of public funds. The Central Provinces Legislature have recently passed an Act to which I have accorded my sanction, which makes it clear that all public places vested in or owned or maintained by the Local Government or local authorities shall not be closed to the use of any person by reason only of his caste and creed.

#### REPRESENTATION ON LEGISLATURES

Turning now to another aspect of the problem, you have referred to the fact that I happened to be the first Governor to nominate members of the Depressed Classes to a Provincial Legislature. Both the Government of India and His Majesty's Government have for some considerable time recognised the importance of securing adequate and suitable representation for the Depressed Classes, both in the Provincial Legislatures and in the local bodies, and have held the view that such representation is necessary for improving their position. A start was made under the Reforms Scheme of 1919, when seats were reserved in most provinces for the Depressed Classes representatives, to be filled by nomination. I need hardly remind you of the more recent discussion on the question of the considerable provision made for the Depressed Classes in the Communal Award of His Majesty's Government, a provision which has since been increased as a result of the Agreement between your representatives and Caste-Hindus in the Poona Pact.

I have detailed at some length the action taken by His Majesty's Government, the Government of India and Provincial Governments for the improvement of your position economically and politically. I have done so because you appear to suggest that the Government tend to take up an attitude of neutrality in this matter, and do not give such active assistance as they might in the measures which you consider are required for your emancipation. Progress must no doubt be slow, but I think that if you consider this point, you will recognise that there has been marked progress during the past ten years and I trust there will be even more rapid progress in the future under the new Constitution. In the new conditions, you, like other



communities, will have to depend largely on your own efforts. It is for that reason that His Majesty's Government have devoted such special attention to secure through the representation allotted to you in the legislatures, that you should have full opportunities not only for making known your needs but for exercising real political influence, so as to ensure that those needs are not overlooked.

#### TEMPLE-ENTRY BILL

You have referred at length, as is natural, to the Temple-Entry and Untouchability Bills which at the moment are matters of such keen interest and controversy throughout the country. You regard the passing of the Bills into law as a matter of the greatest importance, and you say that you cannot hope for permanent emancipation and betterment unless your status in the Hindu religion is improved. There are, I believe, others in your community who regard the policy hitherto pursued of concentrating on the removal of social, economic and educational grievances as calculated to yield more practical results for the uplift of the Depressed Classes than the indirect method of Temple-entry. Meantime, the Temple-entry question, with all its implications and all its reactions, will require the most careful examination by the Hindu community as a whole. You must be fully aware that there is a strong and widespread opposition to these Bills which, it is contended, involve interference with the religious beliefs and practices of orthodox Hinduism. It is the clear duty of my Government to ensure that the legislature should not proceed with such proposals unless the fullest opportunity is given to those affected to form and express their considered views upon them. It may well happen that you will find, as the discussion proceeds, that more will be secured by the methods of persuasion and agreement than by endeavouring to force through a measure of legislative compulsion in the face of strong and sincere opposition. However that may be, I am sure that you will agree with me that full discussion and examination are essential.

I have thought it well to explain to you in some detail my position and that of my Government. I can assure you that the alleviation of the conditions in which the Depressed Classes live and the raising of their status are matters in which I and my Government have shown and will continue to show such practical sympathy as the circumstances permit. There may be differences of opinion as to the methods by which the objects which you and I alike have at heart can best be secured, but I trust we shall both be guided to a solution of the problem which will bring about a permanent improvement in your position and contribute the well-being of India as a whole.

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**BRITISH INDIA & INDIAN STATES**

**JANUARY—JUNE 1933**





# THE CHAMBER OF PRINCES

OPENING DAY—NEW DELHI—20th. MARCH 1933

The galleries were crowded with distinguished visitors and Ministers of States, when H. E. the Viceroy inaugurated the twelfth annual session of the Princes' Chamber at New Delhi on the 20th. March 1933.

His Excellency, on arrival, was received by the Chancellor H. H. the Jam Sahib of Nawanagar, who presented to His Excellency other members of the Order.

The proceedings commenced with an inaugural address by H. E. the Viceroy. The following is the text of His Excellency the Viceroy's speech:—

"Your Highnesses : I welcome you to-day to the twelfth session of your Chamber. Since its inauguration in 1921, this is the second time I have had the privilege of presiding at your deliberations, and in view of the important subjects which will come under discussion, I look forward to it with lively and sympathetic interest.

"The adjectives 'momentous' and 'critical' are at times misused, and have already been applied on more than one occasion to your Sessions, but who can deny that the happenings throughout the world and in India during the last twelve months have been of an unusual and striking character, and the annual meeting of any Chamber whose function it is to take stock of the existing position and to lay down plans for future must necessarily reflect these considerations? I am glad that Your Highness have released this, and have provided a full attendance for the Chamber sessions.

"One member of the Chamber has passed away since we last met. His Highness the Maharaja of Chatrapur succeeded to his State over sixty-five years ago, and had ruled it for more than forty years. He attended the Conference of the Ruling Princes in 1917, but age and infirmity had prevented his joining at the sessions of the Chamber itself since its inception. A man of lively mind and wide interests, he will be missed by those of his brother-Princes who knew him, and I feel sure that you will all join with me in expressing sympathy with the bereaved family and in wishing happiness and prosperity to his successor.

"We welcome for the first time to our Chamber His Highness the Raja of Bilaspur, who has now taken up the burden of his high responsibilities. I am sure that he will realise the value of his membership and will be a regular and active attendant at your sessions.

"Sir Prabhashankar Pattani, President of the States Council, Bhavanagar, was selected to be one of the delegates of India to the meeting of the League of Nations Assembly held in 1933, this being the second occasion on which the Indian States have been represented at the League Assembly by a States Minister. I feel sure that Sir Prabhashankar Pattani worthily maintained the traditions and prestige of the States, and I await with interest the record of the League proceedings, which he will lay before the Chamber.

"I would wish to mention also a measure shortly reaching completion which has always been in accord with the desires of this Chamber. During the past year, arrangements have been in progress to bring into direct relations with the Government of India, the remaining Indian States whose political relations have hitherto been conducted by the Bombay Government, and also those who have been in relations with the Governments of the Central Provinces and Bihar and Orissa. I hope that the transfer may take place almost immediately, and when it does, we shall have advanced a long way towards the completion of the policy recommended in the Montagu-Chelmsford report of some twelve years ago. It is a policy of whose soundness I have long been convinced, and the impending constitutional changes made me determined that the practical difficulties, both administrative and financial, which had hitherto hindered its progress must be surmounted without delay. I would pay a tribute to the wisdom, sympathy and skill with which the Local Governments concerned have, in the past, guided and advised the States in their political relations, and it is only the logic of events, arising out of the impending Constitutional developments and no failure on their part to discharge their responsibilities, that has necessitated the change.

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"Some of these States have made claims in their own right, and these are being examined by a committee which will, I hope, report to me shortly. It may be that, as a result of their recommendations, I may feel it my duty to admit a certain number of them as additional full members of the Chamber. I hope and believe that when I do so, they will give an added weight to its deliberations and strength to the unity of the whole Order of Princes.

"I wish to express my appreciation of the work done by His Highness the Chancellor and the Standing Committee members during the year. Although the last Round Table Conference has, to some extent, interfered with the meetings of the Standing Committee, I have had many opportunities of availing myself of their advice, and His Highness the Jam Sahib has always been ready to place his sound judgment and ripe experience at my disposal. During the unavoidable absence of the Chancellor in England, His Highness the Maharao of Cutch, as Pro-Chancellor, ably carried on the office duties of the Chamber in this country, and for his readiness to come to Delhi at all times, despite personal inconvenience, I owe him my warmest thanks. Although only one meeting of the Standing Committee could be held in February 1933, it was able to transact useful business and on several important subjects misappropriations were cleared away and agreement was reached.

#### THE FEDERATION SCHEME

"I come last to the all important question that must be exercising your minds, that of Federation and the Federal Scheme. Although the White Paper containing the intentions and provisional proposals of His Majesty's Government has been in your hands for the last few days, I cannot hope that it has as yet been possible for you to study it in sufficient detail to enable you to discuss the specific aspects in the present sessions of the Chamber, but since I understand that some points are causing Your Highnesses anxiety, I may be permitted to say a few words about them. You have seen what is stated in paragraph 19 of the introduction regarding the allocation of seats in the Council of State among the State Members. It gives considerable latitude on the interpretation, and I can assure you that list put before you on the 14th instant was illustrative only, and I and His Majesty's Government would welcome any reasonable amendments which may make it generally acceptable. For instance, there is in my opinion nothing to prevent any States that may wish to do so from suggesting that the seats allocated to them should be pooled, and arranged together for the appointment of joint representatives. Such a plan might indeed be valuable as the nucleus of a party machine to hold the States together in matters of common interest. I should point out also, as made clear in paragraph 3 of the Introduction, that it must not be assumed that the present proposals are in all respects so complete and final that a Bill would contain nothing which is not covered by this White Paper. If Your Highnesses still wish to urge that further point relating to safeguards or other matters should also be included it is open to you to have them represented before the Joint Select Committee.

"I trust that this explanation may resolve some of your difficulties as you examine the White Paper. It represents the beginning of the last stage, after three long years of mutual discussions, and of a constructive effort in which the Princes of India and their Ministers have taken a full share. I would recall that it was the Princes who, at the First Round Table Conference, three years ago by their expressed determination to join with British India in securing a real measure of progress for India towards Responsible Government, made Federation a living idea and a practical possibility.

"There have been difficulties in the way, but many of these have been resolved during the subsequent discussions, and compromises have been effected. It would be idle to deny that all points have not proved susceptible to mutual agreement, and some may have to be left to decision by His Majesty's Government. I should emphasise two points for your consideration in regard to such decisions by His Majesty's Government. Firstly, if such decisions are to be fair to all parties, they cannot accept the extreme view of any particular interest or section. Secondly, His Majesty's Government are concerned only in obtaining a fair and reasonable settlement. Their standpoint is absolutely impartial for they believe, as I do and as you do, that the best interests of India and the best interests of the Empire are identical. I would appeal to Your Highnesses, therefore, to keep this in mind. While you will no doubt wish to examine with the greatest care all the details of the Scheme as they affect yourselves and the interests of your States, I feel sure at the same time that you will take a statesmanlike view of the position, and where mutual agreement

may not prove to be possible will accept the decisions of His Majesty's Government in the spirit in which they will be given. At every stage, Your Highnesses have been associated with producing the Federal Scheme and while none of you are finally committed to it until you sign your Instructions of Accession, I am sure you will realise that all participating in this problem must necessarily exercise the spirit of compromise in order to secure the ideal for which we are working—the Federation of all parts of this vast country.

"I sympathise keenly with your doubts and difficulties, and as you gaze on a world where unrest and unsettlement is evident on all sides, where so much that has appeared unshakable has crashed to ruin, when the failings rather than virtues of all the existing forms of Government are under review, you may well wish to pause and consider deeply which way safety and happiness lie. It is for you to decide. Disadvantages and dangers lie in all courses, but they may be countered by prudence, foresight and courage. It is my own firm personal conviction that for the Indian States the balance of advantage weighs heavily towards accepting the Federal Scheme, and working it wisely and prudently. It appears to me to offer you great advantages and if you choose them, you will have a weight and influence in the Federal bodies, which will go far to ensure stability and ordered progress in India in all matters not expressly ceded to the Federation. You will attain what you have long desired—direct relations with the Crown through the Viceroy. The protection promised in your treaties and engagements has been reaffirmed in a manner which should satisfy the most doubtful amongst you. I have every hope and confidence that your deliberations will lead you to the same conclusion, and that when the Federation comes into being, it will include within it the great majority of the Princes of India, determined to continue their steadfast loyalty to the Crown and to ensure the steady progress of their motherland towards Self-Government".

After the Viceroy's speech two resolutions were adopted condoling the death of the Maharaja of Chhatarpur and extending a welcome to the Raja of Bilaspur.

#### Review of Chamber's Work

*The Jam Sahib of Nawanagar*, Chancellor, reviewing the work of the Chamber during the past year, said that the Standing Committee of the Chamber was fully occupied with the work of the Round Table Conference, and the various important matters arising from it. In addition to this, the Committee discussed (1) question of censorship over telegrams (2) construction of dams, (3) compensation for mail robberies (4) special service officers for the Indian States Forces required on mobilization, and (5) attachment of liaison officers to Indian States, in cases of disturbances.

In regard to censorship, it was pointed out that the matter was informally discussed with the Viceroy, and it was finally decided to take it up after the establishment of the Federal Constitution. The question of compensation to be paid for injuries caused by the bursting of dams in British India or in Indian States was practically settled. In regard to mail robberies, it was now proposed to modify the rules on more suitable lines through a Committee of Ministers. The present practice was when a robbery was committed, the State was required to pay full value of whatever was taken or destroyed and also such compensation as the British Government required to the carriers of the mails and other persons or their families in the event of the carriers or other persons being injured or killed.

The Jam Sahib, proceeding, alluded to Air Navigation, and said that in regard to compensation to Indian States for sites for aerodromes where they were prepared and managed by British Indian Government, it was agreed that if such aerodromes were paid for by the Government, landing and housing fees belonged to them, but if the State or private individuals established an aerodrome, they should collect fees for its use.

The question of retrocession of jurisdiction over railway lands by the Government of India, in so far as it affected the carrying of arms by States' subjects in trains had been further negotiated by the Chancellor with the Political Department. The Government of India, as a result of this, were now prepared to provide in the arms rules in force in administrated areas concerned, that a certificate issued by a special State official to States subjects for carrying arms within the railway land situated in the territory of the State concerned should have the effect of a licence granted under the rules, provided the specified State officer be one holding a position of responsibility corresponding to the District Magistrate in British India, and that the certificate granted by such official should exempt the holder from prosecution under

the Arms Act for journeys which were performed wholly within the borders of the State concerned, and which in no way, were across the border of the State.

The question of enlargement of the Chamber of Princes and the granting of full membership rights to some of the Rulers who were now represented through elected members, was being carefully examined by a special committee.

The Jam Saheb stated that the last two questions relating to special service officers and the attachment of liaison officers were postponed to a later date, but in addition to those several other questions of importance were discussed. These included the question of procedure to be adopted in consulting the States in the matter of their accession to international conventions. It had been expressed on behalf of the States, that where the internal administration of States was affected, their views should be previously ascertained before the representatives of India at the League accepted them on behalf of the States, and in case such consultation was not possible, the States should be provisionally exempted from the operation of the Convention. The Protocol on Arbitration Clauses and the convention on the execution of foreign arbitral awards had been signed on behalf of the States, making the stipulation that the right was reserved for India denouncing either the protocol or the convention after giving due notice, and the right of arbitration was confirmed strictly to commercial contracts.

The question of the amendment of the resolution regarding the appointment of commissions of enquiry was fully discussed. It was finally agreed that the Standing Committee should themselves prepare the proposals for modifications in, and additions to, the present resolution.

The question relating to Paramountcy and the dignity of Rulers had been further examined during the year.

The last item on the agenda to-day was the presentation of the report of Sir Prabhasker Pattani as Princes' representative to the last session of the League of Nations.

It was formally presented by the Jam Saheb as Chancellor, who proposed vote of appreciation of the work done by Sir Prabhasker Pattani, adding that the decision that the States in future should be represented by Ministers rather than by Rulers at the Conferences was fully justified by the selection of Sir P. Pattani and his record of work at Geneva.

The Viceroy adjourned the Chamber to 3 p.m. on the 24th March,

## *SECOND DAY—NEW DELHI—24th. MARCH 1933*

### **Work of States' Delegation at the R. T. C.**

The Chamber of Princes re-assembled this morning, the Viceroy presiding.

*The Jam Sahib*, the Chancellor, reading the account of the work of the Indian States' Delegation to the third Round Table Conference said the cold logic of the situation convinced him that the present scheme was dangerous to the States and the British connection. He said he started work as Chancellor with a strong predisposition in favour of Federation. The Federal form of Government seemed at first sight well suited to India providing as it does a means of establishing the joint administration of All-India matters while reserving to the States and the Provinces control over their local affairs. But, soon it became plain to him that the form of Federation which His Majesty's Government had in mind for India differed from all modern Federations in one important particular. Unlike other places in India, His Majesty's Government were relying upon Indian States with their essentially monarchic politics to contribute the necessary elements of stability and experience. It was therefore the underlying assumption of His Majesty's Government and of all three political parties in Great Britain that the monarchical form of Government in the States should be effectively maintained under the new constitution. For his part he felt it unfortunate that the realisation of British India's political ambitions should have been made contingent upon the acceptance of a particular type of federation by Indian States and he did not see there any logical connection between the two matters.

### **THREE ESSENTIAL SAFEGUARDS LACKING**

Analysing the scheme he said in the first place they had to see whether the form of constitution was such as to protect the States in the enjoyment of their sovereignty and to secure for them the influence which was their due. In the second place, they had to consider whether the tendencies to which the new constitution would give



rise were such as to preserve in an effective form the ancient ideals and institutions of Indian monarchy upon which the strength and stability of the States and their utility in the new constitution would alike depend. The Chancellor said there should be three safeguards necessary for them to preserve their States from the risk of being gradually swallowed up; for in the Federal constitution the centre tends to swallow the Federation units. There was no provision in the Federal constitution which had been proposed in the White Paper which will effectively protect them from that kind of encroachment. Neither the Federal court nor the Viceroy will be able to assist them when a crisis arose when the policy of the cabinet and the legislature conflicted with the rights of the States or with the effective sovereignty of the Crown in India upon which the Princes laid so much stress, nor will the Upper House be more effective and if they entered the Federation as now proposed, they shall, in course of time, inevitably lose the effective exercise of those rights which, according to the strict letter of the Constitution, they thought they were preserving.

The Chancellor said the second point which should be provided in the Constitution was that the Federal legislature must be of a kind to enable the States to retain their status. They could not do that if their representatives were in a minority in both Houses from the very beginning. The third essential which must be realised was that there must be no direct taxation of States by the Federal Government. The Jamsahab said that it seemed to him that the constitution did not provide the necessary safeguards they had laid down last year and the tendencies likely to be set in motion by the proposed constitution were such as to expose Indian kingship to severe and unfair attacks. "For myself I cannot help feeling that the constitution, as it has emerged from the White Paper, will inevitably work as to destroy at least in its effective form the very principle of Indian kingship and both economically and politically the monarchical principles will suffer."

#### VICEROY INTERVENES

The *Viceroy*, at this stage, intervening, said the report by the Chancellor was to be a review of the working of the Indian States' Delegation to the third R. T. C., but the Jam Sahib was giving his personal views and what he considered to be the terrible dangers of the Federation to the Indian States with British India.

The *Jam Sahib*: If Your Excellency thinks I am not doing the right thing I will not proceed.

The *Viceroy* explained that he did not suggest that the report was not to be read but that it was not the occasion for airing personal views of the Federation.

The *Jam Sahib*: I accept Your Excellency's rulings and will not proceed with my report.

The *Viceroy* repeated that he had no desire to prevent the Chancellor from reading a review of the working of the Indian States' Delegation, but there was no doubt that the Jam Sahib was giving his personal and present views on the Federation scheme which he had been endeavouring to promote for the last four years.

The *Jam Sahib*: I supported the proposals of the First Round Table Conference regarding Federation, but the representatives of Indian States are now divided on that scheme.

Next the resolution regarding Paramountcy was taken up.

#### Resolution on White Paper

The following resolution was next moved :—

(1) This Chamber places on record its strong opinion that the entry of the Princes into the Federation depends upon the inclusion in the constitution and the treaties of accession of the essential safeguards for which the States have consistently pressed. They are prepared to authorise their representatives to carry on further negotiations in London with the object of securing all the safeguards essential for the protection of the States and for the preservation of their sovereignty and autonomy, and with the object of assisting in framing a scheme which would assure such a measure of general agreement as may be necessary to ensure stability and the smooth working of the new Constitution.

(2) This Chamber, while placing on record its conviction of the urgent necessity of arriving at an equitable and satisfactory settlement of the Paramountcy problem by the method of discussion and negotiation between H. E. the Viceroy and representative Princes of this Chamber, expresses its sincere thanks to H. E. Lord

Willingdon for the sustained and sympathetic interest which he has displayed in the negotiations for the last two years, endorses and affirms the position so far taken up by the representatives of the Princes, emphasises that the main thing essential to reach the desired settlement is the determination of justiciable issues by judicial process, and authorises those Princes to continue these negotiations with the sympathetic help of the Viceroy.

(3) The Chamber records (a) its disappointment at the tentative outline of the proposals of His Majesty's Government for the allocation of seats to the States inter se; (b) that in view, however, of the fact, that His Majesty's Government's proposals are only illustrative, and the Viceroy has been pleased to invite reasonable amendments to make it generally acceptable, the Chamber is prepared to make a further attempt towards that end; (c) that in order to be acceptable, any scheme of allocation of seats should, besides being otherwise satisfactory, secure at least one vote in either House for each State which is a member of the Chamber of Princes, or is qualified to be a member and may be further admitted to membership, and leave a sufficient margin for the collective representation of the remaining States.

#### Resolution on Paramountcy

The *Maharaja of Patiala* moved the Paramountcy resolution and the *Maharao of Cutch* seconded it.

The *Maharaja of Patiala* moved the resolution, pointing out that the entry of the Princes into the federation depended upon the inclusion in the constitution of essential safeguards. From the first R. T. C. the Princes made it repeatedly clear that they would enter the Federation provided the complete picture was acceptable and it secured to them sufficient safeguards and guarantees to preserve their position, treaties and autonomy and enabled them effectively to discharge their triple obligations to the Crown, to India and to the States. During the last few days they had given anxious consideration to the White Paper. It certainly contained good points, but there were many omissions which required to be filled specifically and there were certain items which had better not been included. Some of the fundamental safeguards which they had consistently pressed evoked a substantial body of opinion in certain quarters that the scheme embodied in the White Paper as it stood should be summarily rejected. The Viceroy, however, by his accommodating statesmanship, made it plain in the inaugural address that the White Paper did not embody the final picture and that many things not incorporated in it could be pressed for inclusion later. This averted what seemed to be a crisis. Indian Princes conscious of the grave responsibility reiterated their original position and declared that the safeguards which they have pressed were not intended to set up impossible conditions but reasonable essentials which were necessary to preserve their integrity and contributed towards the ordered progress of a Federated India. The safeguards had been carefully worked out and would be placed before the Joint Committee on their behalf. The safeguards might be classified as under: (a) Respect for autonomy, sovereignty and treaty rights; (b) limitations of Federal sources of revenue to indirect rates only; and (c) liberty of action for the States to enter the Federation individually or collectively through a confederation.

#### THIRD DAY—NEW DELHI—25th. MARCH 1933

#### Resolution on White Paper

At the meeting of the Chamber of Princes to-day the *Nawab of Malerkotla* seconded the main resolution on the White Paper moved by the *Maharaja of Patiala*.

The *Maharaja of Bikaner* asked the Princes not to pass a hurried judgment, as they were not in a position to pass judgment till the details were known. For instance, they had not yet seen the treaty of accession. He next dealt with the argument of those who referred to the German and American Federal systems, and said that the Indian scheme was going to be unique. As regards the apprehensions expressed in certain quarters, he made it clear that they had asked the Crown to give specific guarantees, in respect of their sovereignty and autonomy, to enable them to enter the Federation.

As for the fear of democracy uniting kingship, the *Maharaja* asked: "May I know what constitution it was that brought about the downfall of the mighty Czar of



Russia? Are we afraid of the influence of democracy coming into our States? Are we serious in thinking that democratic influences of the world and of the British especially, when our States are intermingled, are not already affecting our States and will not in an increasing measure affect our States? Are we going to be frightened merely by democracy to come to a decision one way or the other? He continued: "I submit that, in addition to the guarantees we ask from the Crown, we have submitted to the Viceroy for communication to His Majesty's Government certain conditions which we consider essential to prevent encroachment on our sovereign rights and autonomy by the Federal Executive".

The Maharaja emphasised that, while they should declare their desire to Federate on satisfactory terms, they must withhold judgment till the scheme completed and he hoped when the time came, they would give proper consideration to the proposals which were to better and not to worsen their position.

His Highness finally defended the action of the Ministers who represented them at the last R. T. C. and said that those who carried on negotiations had the authority to secure the same purpose by alternative schemes. The Maharaja of Bikaner welcomed that part of the White Paper which would establish closer touch between the Viceroy and the Princes by bringing them into direct contact with the Governor-General, instead of the Governor-General-in-Council.

The *Raja of Korea*, following the Ruler of Bikaner, emphasised the importance of safeguarding in the new constitution the sovereignty of the States. British India must realise that the States had already made great sacrifices, and could not be expected to make more. The States would work the scheme and would eagerly look forward to the picture being completed.

The *Maharaja of Alwar* gave a history of how Federation came into the picture. The Princes, he said, had fully realised all the implications of Federation. There were many difficulties, but the Princes did not like to be called obstructionists. In his opinion, one immediate result of the States joining the Federation would mean less efficiency in the administration of the States. Still, they should all come into a common organisation to achieve the happy goal which was acclaimed as Dominion Self-Government for India. The essential condition of their coming into Federation was the safeguarding of their sovereign rights and special privileges.

The resolution was carried.

The *Viceroy* assured the Princes that he would do his best to ensure safeguards for the States. (Cheers).

#### Allocation of States in Federal Legislature

The *Ruler of Jhalawar* moved a resolution recording the Prince's disappointment over the allocation of seats to the States and expressing the readiness of the Princes to make a further attempt at reaching an agreement. He said that the proposal of the British Government made invidious distinction between certain States more or less of the same status and category, and did not give individual representation to majority of the Chamber-States. He feared it would lead to grouping of most of the Chamber-States even for the Lower House, with administrative difficulties, which could easily be foreseen. The proposed scheme of alternate representation in the Upper House would result in the representatives of the States entitled to such representation, changing places almost every year, with no permanent advantage. In the present circumstances, the cry for equal representation for all the Chamber-States in the Upper Federal House, was not a practicable proposition. If given some time, they could evolve a scheme which would give the requisite quota to the Indian States, according to the main principles laid down by His Majesty's Government and with slight modification thereof make it possible for a satisfactory distribution and allocation of the seats amongst the States. They wanted such a scheme, as would give the members of the Chamber of Princes, present and future, one vote at least in the Upper or Lower House or half a vote in the Upper House and half in the Lower House, and yet leave a sufficient margin for the remaining States.

The *Raja of Mandi* said that the principle on which allocation had been made did not follow any recognised method. Any scheme of allocation to be acceptable must recognise the peculiar position of each sovereign State as regards population, revenue and area.

The *Maharaja of Bikaner* said that the question vitally affected all States big or small. He realised the difficulty of raising the number of States' representatives in the Upper House to 125, but was glad it had been raised to 100. They should now make a determined effort to arrive at a reasonable compromise regarding the allocation



tion of seats among the States so that there might be no necessity for any of the States standing out of the Federation. They must arrive at a compromise with due regard to their position as States, and by imposing a self-denying ordinance, so that the large number of seats might become available for the smaller States.

The *Viceroy* agreed that a determined effort should be made for an agreed allocation of the seats which His Majesty's Government would approve. The resolution was carried.

#### APPRECIATION OF CHANCELLOR'S SERVICES

On the motion of the Maharaja of Alwar, seconded by the Maharaja of Bikaner, and endorsed finally by the Viceroy, the Chamber passed a resolution of thanks to the *Jam Sahib* for his services as Chancellor.

The *Jam Sahib*, the out-going Chancellor, paid a tribute to the work of the Chancellor's Secretariat, and asked the critics to be more punctual and to make less irrelevant speeches. The Chancellor, expressing gratefulness to the Viceroy on behalf of the Chamber, thanked His Excellency for his opening address, and for the announcement that all the States would be brought into direct relationship with the Government of India. As regards the special committee which was examining the rights of the States for inclusion in the Chamber, he said they were sure the Viceroy would give sympathetic consideration to the report, but hoped the Standing Committee and the Princes, as a whole, would be informally consulted before a decision was taken. He assured His Excellency that the Princes believed that His Majesty's Government would give an impartial and disinterested decision if called upon to do so.

The *Jam Sahib* emphasised certain fundamental principles which would influence the Princes in their final judgment. He thanked the Viceroy most sincerely, on behalf of the Princes for the best advice given in the address, and concluded by assuring His Excellency of the Princes' loyalty to the Crown and the Empire. All that the Princes wanted was that they might be able to hand over to their successors, the heritage of their forefathers.

The *Viceroy* thanked the Chancellor for his charming words. His interest in the the Princely Order had been there for twenty years (cheers). His Excellency hoped, whatever decision the Princes took, would be one in the best interests not only of their order, but of the interest of India as a whole (applause).

The Viceroy then adjourned the Chamber *sine die*.

#### ELECTION TO STANDING COMMITTEE

The following Princes were elected to the Standing Committee of the Chamber of Princes: H. H. the Maharaja of Bikaner, receiving 32 votes; H. H. the Maharaja of Alwar, 31 votes; H. H. the Maharaja of Panna 24 votes; H. H. the Maharaja of Jhalwar, 23 votes; H. H. the Maharaja of Dungarpur 23 votes; the Raja of Sangli 28 votes; the Maharaja of Wankaner 26 votes; the Nawab of Bahawalpur 24 votes; and H. H. the Nawab of Rampur, 15 votes.

His Highness the Maharaja of Patiala was elected Chancellor of the Chamber of Princes by 29 votes, defeating H. H. the Maharaja of Alwar who received four votes. H. H. the Maharaja of Dholpur was elected Pro-Chancellor of the Chamber of Princes, by 31 votes, defeating Their Highnesses the Maharajas of Alwar, Dungarpur and Panna. The Maharaja of Alwar received two votes, while the others received one vote each.

# The States and Federation

## R. T. C. Delegates' Report

"Democracy and autocracy, if brought together, have equal chances of diluting each other. His Majesty's Government looks up to us, the Indian States, as elements of stability and moderation, which would prevent the extremist section in British India from snapping the British connection and putting up the ideal of independence before the whole country. If conscience makes cowards of us all, the instinct of acquisitiveness and calculation ought to instil courage in the States, leading them on to immediate accession to the Federal ideal. It is all the more necessary for the States to join at once, at the outset, if they want to join at all rather than wait and higggle for better times".

These are some of the striking observations contained in the report which Sir Manubhai Mehta and Sir Liakat Hyat Khan have submitted to the Standing Committee of the Chamber of Princes summing up their efforts as delegates to London to secure the conditions laid down by the Chamber of Princes in the new scheme of Federation elaborated at the Third Round Table Conference.

The points touched by the Report may form the basis of discussions by the Standing Committee, which is already armed with the report of Special Committee of Ministers, which recently examined the White Paper proposals relating to the States.

### INTERNAL SOVEREIGNTY OF STATES

The delegates took their stand on the six conditions which were deemed necessary for fulfilment before the States could accept the Federal scheme. They are happy to report that as regards the first condition, namely, the maintenance of the integrity of the States and their internal sovereignty and their full autonomy, as also two other conditions, namely, that treaty rights should be inviolate and no future Federal legislature could enlarge the sphere of Federal subjects without the consent of the States—these might be treated to have been accepted by the British Government.

The report gives the information :

"Lord Sankey has more than once assured us that the States need entertain absolutely no apprehension on the score of the safeguards which we have raised to the level of conditions-precedent". Altogether, eighteen safeguards are mentioned in the list, and besides those mentioned above are the following, that the Federal Government will have no concern with the form of Government in the States and the method of selecting representatives of the Indian States to the Federal Legislature ; that there shall be no discriminatory legislation against any of the Federating States or the subjects of any such States ; that the appellate jurisdiction of the Federal Court shall not extend over the courts of the Indian States, and that no existing rights or disputes concerning the rights affecting any particular States of a justiciable character will be prejudiced by the mere fact of its entry into Federation etc.

While an assurance on these matters could be said to have been received, no progress could be made on the three other stand-points on which the Ministers in question took their stand. These are, firstly, fifty per cent representation in the Upper Legislative Chamber, secondly, that States attending the Princes' Chamber in their right could secure individually one vote, leaving a small margin for group representation of the remaining States, and thirdly the right to secede from the Federation. The last point was not accepted, because that would strike at the very root of the Federal Constitution.

As for one vote for each State attending the Chamber, there was a fundamental difference with Hyderabad, Mysore and Baroda, and no compromise was possible. The question of inter-statal allotment has been left over for consideration. As the Secretary of State hinted at a group system, the Ministers placed a scheme of rotational representation for the smaller States, whereby each member would be assured of one seat individually in either Chamber.

As regards treaty rights, the report observes that the Lord Chancellor promised to entrench them as well as the internal sovereignty of States and fortify them so

strongly as to place them entirely beyond any risk of erosion under the influence of political practice or usage as in the past, as well as beyond apprehension of any direct encroachment by the Federal Legislature or Executive Government in the future.

As regards the special powers of the Viceroy to protect the interests of the Indian States in disputes about water, land or money, they were prepared in all justiciable matters to leave the discussion to a judicial Tribunal with a right to the Viceroy to vary the order, if necessary, but they hoped that a convention might grow so that the award of the Tribunal would be binding even upon the Viceroy.

On the 27th February this year, the Viceroy was able to assure the Princes of the Standing Committee at Delhi that their contentions had been accepted in the main by His Majesty's Government.

The Ministers' report refers to Finance, and says that the question of the liability to direct taxation of the Indian States under the orders of the Federal Government was meticulously examined. The Paramount Power would protect the States from wars and foreign aggressions, whether they contributed to the cost of defence or not and all war contributions by the States would continue to be voluntary as in the past. In the case of a financial or economic emergency, the States would be looked up to for some contribution on a uniform basis, among which subsidiary matters are mentioned.

The report refers to the discussion which their deputation had with the India Office and the officials in charge of the Reforms Bill, who had promised mutual protection of the Provincial Governments and the States Governments as well as their Rulers from defamation and malignant calumnies. The report adds : "The duty of punishing libel and sedition will be recognised on a complete basis of reciprocity between the States and the Provinces, and we learn that a new Bill is already under the consideration of the Government of India".

The concluding paras of the Report contain a vigorous plea for the acceptance of the Federal scheme. Indian States are said to hold a peculiar position of vantage, for they are asked by the British Indians to join the Federation in order that there may be responsibility at the Centre, and they are looked up to by His Majesty's Government as an element of stability and moderation, which would prevent the extremist section in British India from severing the British connection.

Referring to the Confederation Scheme, the report quotes with approval the observations of Sir Leslie Scott, justifying it as necessary for small Princes and says : "Even if it was not possible to provide the machinery of a confederation council in the constitution, it should find a place either in the treaty of accession or at least in the Instrument of Instructions or in the King's Proclamation ushering in the new Reforms".

## Princes' Memorandum to the Cabinet

Eighteen conditions precedent were submitted by the Princes to His Majesty's Government for joining the Federation. They would examine any future constitution from this standard. The Princes' memorandum said :

(1) Any amendment to the Constitution shall for the purpose of its introduction, require in the first instance, a two-thirds majority of the House in which it is being introduced, and will only become law after separate ratification and acceptance by three-fourths of the Indian States represented in the Federal Legislature, and by three-fourths of the members representing British India, provided that no alteration affecting the following matters shall be deemed valid without the consent of the State concerned :

(a) Sovereign autonomy of the States ; (b) representation allotted to any State in the Upper House ; (c) minimum representation to any State in the Lower House ; (d) alterations of territorial limits of a State ; and (e) addition to the list of Federal subjects.

The Statutory and constitutional guarantees provided for shall be unalterable except with the consent of each Federating State.

(2) The Federal Government will have no concern with the form of the Government in the States, and the method of selecting representative of the Indian States to the Federal Legislature.



(3) In the event of a Federating State refusing or otherwise failing to discharge its Federal obligations, the Federal Government shall, wherever possible, invoke the good offices of the Confederation. If this procedure in any particular instance is not found feasible, the Federal Government will, in the last resort, deal with the State through the Viceroy as the representative of the Crown.

(4) On a representation made at least by two-thirds of the representatives of the States in the Federal Legislatures in regard to any Bill passed by the Legislature, that such legislation contravenes the guarantees contained in the Constitution, such legislation shall not have the force of law pending the decision of such authority as may be competent to decide on its validity.

(5) Through some suitable method of augmentation or otherwise, it should be secured that the comparative influence of the States in the control of Federal matters is not too far whittled down if only a majority and not the entire body of States join the Federation.

(6) There shall be absolute guarantee for the connection of India with the British Crown.

(7) There shall be no discriminatory legislation against any of the Federating States or the subjects of any such States.

(8) The States shall enter the Federation by means of treaties made with the Crown and the provisions of these treaties shall be outside the operation of Parliamentary or Federal legislation. These treaties may provide special safeguards for the particular interests of individual States and will admit of reservations being made by any State that may so desire.

(9) (a) The appellate jurisdiction of the Federal Court shall not extend over the Courts of Indian States. Questions arising out of the constitution or relating to the interpretation of Federal laws in issue before State-Courts, shall be referred for opinion to the Federal Court and the State-Courts shall give their decisions on the points referred to in accordance with the opinion of the Federal Court.

(b) The Federal Court shall be constituted by delegation of authority from the Crown and from the Rulers of the Federating States.

(c) An appeal can lie to the Privy Council in England from the decisions of the Federal Court provided that a suitable constitutional formula could be devised which would not detract from the sovereignty of the Federating State.

(d) The Federal Court which would derive its jurisdiction with regard to the States from the States concerned, should interpret the constitution strictly, so as not to extend the orbit of the Federal Government beyond the subjects and powers expressly delegated to it by the constitution.

(10) No existing right or dispute concerning rights affecting any particular State of a justiciable character, will be prejudiced by the mere fact of its entry into Federation. The fact that the Government of India have rejected the case or have refused to the point of view of the States, shall not be treated as sufficient cause for treating the case as closed.

(11) Reference to the administration of individual States in regard to non-federal matters or against individual rulers of Governments of States shall not come within the purview of the Federal Legislature.

(12) No executive or legislative action shall be lawful within the territories of the Indian State, unless it proceeds directly or indirectly from the authority of the Government of the State concerned or of the Federal Government in matters delegated to it and within the specific limits of such delegation.

#### STATES AND FEDERAL LAWS

(13) Federal laws should not apply *proprio rigore* to Indian States, but the States should accept and pass federal laws as State laws and such laws should operate as State laws within the territories of the States from the federal Government, provided that:—

(a) With regard to certain subjects like Federal Taxation in which it is essential that legislation should take effect as soon as it is passed, the laws passed by the Federal Legislature shall be presumed to have been enacted by the State concerned from the date they are enforced by the Federal Government.

(b) All Federal laws on subjects and within the powers delegated to the Federal Government, after the expiry of a certain specific period, shall be presumed to have been enacted within the territories of the States as State laws.

(c) That the servants of the Federal Government, in the course of the performance of their legitimate duty within the territories of the Indian States, will, as

now, continue to be subject to the Federal law from the date they are enforced by the Federal Government. This does not mean that they will cease to be subject to the internal sovereignty and laws of the State concerned in matters not specifically delegated to the Federal Government.

(d) That the individual States need not enact laws which have no application whatsoever to their respective territories.

(e) All amendments of the Federal laws in their application to a particular State to suit special local conditions, will be subject to the previous assent of the Federal Government.

(14) The powers of concurrent legislation in matters not solely reserved to the Federal Government shall remain with the States, provided that Federal legislation shall override State legislation in regard to all Federal subjects.

(15) The Crown shall be required to incorporate provisions in the constitution retaining power and sanction for itself to secure respect for treaties which have been declared by the King Emperor as inviolate and inviolable and to see that the obligations and agreements contracted by both the parties, namely the States and the Crown are not encroached upon by the Federal Executive or Legislature and are not varied or abrogated without free consent of both the parties.

(16) The Constitution shall provide, by the insertion of a separate clause, that no unfriendly Act shall be permitted by one federating unit against another and that there shall be no interference, direct or indirect, in the internal affairs of any State.

(17) No restrictions which are not in accordance with the specific terms of their treaties, are imposed on the States in regard to the number and equipment of their armies.

(18) The Constitution shall make provision for the States joining Federation collectively through a confederation, but it shall be permissible for such as may so desire to join the Federation individually.

## The Punjab States' People's Conference

*Mr. A. V. Patwardhan*, in the course of his presidential address at the fourth session of the Punjab States' People's Conference, held in Delhi on the 5th. April 1933, observed :—

For the moment, the hope for the people of the Indian States seem to lie in the fact that British Indian leaders will for their own reasons consider the White Paper constitution to be so radically objectionable as to lead them to reject it in toto. For no possible improvement therein can so improve the constitution as to make it acceptable to the States' people. They must above all secure (1) popular election in the federal legislature; (2) a Declaration of Rights available for the people in the States and enforceable through the agency of the federal court; (3) federalisation of civil and criminal law; (4) lodgment of residuary powers in the federal government; (5) continuance of the present practice in the matter of paramountcy, but a greater alertness in fulfilling the Crown's pledge of good government in the States to the people. These demands of the States' people voiced from many platforms, cannot be met by a mere amendment of the White Paper constitution in detail; they really require the whole basis of constitution to be altered. The people in the States need therefore be none too sad at the rising tide of unreserved denunciation of the White paper leading to the scrapping of the present proposals.

Mr. C. Y. Chintamani has definitely expressed the opinion that British Indians would much sooner go without any reforms than have reforms which are anything like those adumbrated in the speeches of the Secretary of State at the third E. T. C. and it must be said in fairness to Mr. Chintamani that he does not, like most other leaders from British India, turn a blind eye to nomination and other defects proceeding from the States' entry into the federation and concentrate his attack on drawbacks due to distrust and suspicion on the part of Britishers. If his view of the merits of the reforms scheme prevails, even if it be only in so far as British India is concerned, then the point of view of the Indian States' people will at least



have a fair chance of being considered. This much I know—that the proposed constitution is doomed if it is not rushed through Parliament while many of the politicians of the radical school are not free to make their voice felt. I have reason to believe that several of the Congress leaders will not accept a constitution which provides for the nomination of the States' representatives. But they are kept out of constitution-making now just as much as the States' people. If therefore, only a rejection of the White Paper can make the services of these leaders available to us, we may be executed for hoping that it will be rejected. We may not be certain that as a result of it our position will be improved, but it is only in that quarter that there is some room for hope.

There must arise among the British Indian publications to whom it falls to take part in constitutional negotiations some who will have the courage to say to the Princes: Keep your autocracy intact if you must in your own States; as to that we can have nothing to say except in the way of a friendly suggestion. But we will not let you come in as autocrats in our constitution. You must put on a democratic garb and adopt democratic practices as constituent members of the new polity which you and we are to form together. We will make your way as smooth as possible. But on no other terms is federation possible. If election is ever to remain in the distant future, we must part company. We can resume discussions when you become friendly to popular government. For it is that which we wish to bring into existence and not merely a change-over from a white to a brown oligarchy. Such a change-over will only adjourn the day when we can attain our destiny of being a democratically governed people. To say so is, it is generally believed, to make federation impossible. I do not share this before, and I will give you my reason for it.

If you examine the list of federal subjects, you will find that in the case of all or most of those subjects the States have already made a *de facto* surrender of power over them to the Government of India. With the States, therefore, it is not a question of surrendering something which they control at present by joining federation. Federation would rather enable them to regain control of what they have lost and get a partial control over British India to-day. They stand to lose nothing, but gain a lot. In these circumstances, it is more than likely that they will agree to adopt democracy in handling this subject if they know that only on this condition can they come into their own. Did not His Exalted Highness the Nizam promise to introduce, not a dyarchy of the kind which prevails at present in British Indian provinces, but full provincial autonomy in Berar if returned to him? Not that the Nizam is a fanatical democrat and cannot bear to see his people groaning under autocracy modified as it is under dyarchy. But he saw that his only chance of having Berar restored to him consisted in his adopting a democratic form of government if only for that province. Why would not then the Nizam and other rulers adopt democracy in so far as federal subjects are concerned provided British Indian leaders produced among them the feeling that no other condition would federation be permitted and that on no other condition would they be allowed to establish control over these subjects. Instead however of impressing them with such a conviction, British Indian leaders have convinced themselves that federation is not a necessity for the States at all, but that it is a necessity for British India alone; that without a federation it will be impossible for British India to attain self-government, not merely on political grounds but on constitutional grounds as well (constitutional theories always come in very handy to British Indian politicians on whatever side of the fence they may stand); and that to bring about such a federation the yielding must be all on the side of British India, for on no account and for no reasons whatever can a breakway of the States be contemplated. This attitude is wholly unnecessary and inexpedient. But it was such a defeatist spirit which informed the endeavours of our British Indian politicians in our constitutional discussions. Until that is laid aside, we cannot possibly have a satisfactory constitution.

I have had to consider the White Paper constitution so far mostly as it affects British India; for it is through British India that we, the States' people, can at all hope to have the constitution modified. We can neither accept nor amend nor reject the constitution; we simply have no hand in it. We must, therefore, convince British India that what is conducive to our interests is also conducive to theirs. It is only then that we can persuade them to take the line which we would desire them to take. And we must, therefore, make it perfectly plain that the White Paper scheme is of no advantage to us at all; and that we shall lose nothing if it is turned down. On the contrary, if passed, it will seal our fate for all time



if it be made, as the Princes propose, almost wholly unalterable in future. One of the Princes' demands is—and this is not a demand that is made only by what is styled as the more conservative section—that merely to propose an amendment a two-thirds vote of the legislative chamber concerned is required, and that the proposal must then be ratified by three-fourths of the States and three-fourths of the members in the legislature from British India. It is obvious that a constitution so framed practically places itself beyond all possibility of amendment—like the law of Medes and Persians. But I am not disposed to quarrel with the Rulers on this account. They have boldly taken this provision from the United States constitution. A federal government should be and must be difficult to amend, and knowing that it is so rigid and unamenable, we must in framing it be a hundred times more careful than in framing a unitary constitution, which would be infinitely easier to change. British Indians, however, are following a contrary course. They are in a terrible hurry to pass the constitution and then would perhaps try to make it easily amendable. In this attempt they are bound to fail. The rulers of States have precedent on their side. Therefore, British Indians had better think a thousand times before agreeing to a constitution which would necessarily be, and should properly be, incapable of frequent alterations.

But there are certain matters which the rulers insist upon placing outside the scope of possible amendment even by such a hopelessly stiff procedure. There must not be even the smallest loophole for a change in certain respects. What are they? The form of government in the States and the method of selecting the States' representatives in the federal legislature. With the former we are not concerned immediately; we shall have to deal with it ourselves independently of the federal constitution. But election cannot be insisted upon by British India at any time in future. British India is very sore that a definite limit of time is not fixed in the constitution for the autocratic termination of safeguards which are admitted in general terms to be temporary. In the matter of choosing the States' representatives, the rulers must be free not only now but for ever and ever to retain nomination if they so choose. In this case it is not a question of automatic liquidation of nomination; but a definite prohibition is to be imposed upon its ultimate liquidation. There is another matter which cannot be changed in any State except with its own consent, and that is the list of federal subjects. Supposing a two-thirds majority of the House of Assembly proposes and three-fourths majority of the States ratify a provision enabling the federal legislature to increase the number of federal subjects—a hard enough condition in all conscience—will the increased list come into force in all the federating States? No. The legislature may enlarge the number, but it will have no effect in any State unless that State is agreeable. Why, even the list as it stands to-day represents, so far as the States are concerned, only the maximum number of subjects that can possibly be put into the federal category. Every State, however, is to be free to pick and choose from the list. The legislature solemnly declares that a certain number of functions are of national concern and must be federally administered, but any ruler can say in reply: "Well, you think so, but I don't; and I am going to reserve this, that and other subject to my undivided control." That being the proposed constitution, it is no wonder that any subsequent addition to the federal list will have no binding force upon any State. Popular election and a due increase in the list of federal subjects are among the first things that the States' people would like to secure. But the proposed constitution bars the way completely to them. It is clear, therefore, that the States' people will be kept out of the federal constitution for as long as the rulers are so minded, or, rightly interpreted for all time.

I do not enlarge at this stage upon other demands that the Princes are making; for instance, that a confederation should also be possible within the federation, and that federal laws should not apply in the States in virtue of the fact, that they are federal but because they are adopted by the States. These and such other demands are too ridiculous to deserve any notice. I would rather leave them to be dealt with by those British Indian politicians who have been placing their talents behind the Princes' autocracy. But, speaking broadly, I cannot honestly reassure you that the White Paper scheme can in the least benefit the people of the States. It is not merely that it denies us civic or political rights of any kind at the present time; but the denial is to be perpetual. It is not given to us, as I have already said, either to accept the constitution or to reject it. But if we could have had a say in the matter, I have no doubt as to what it would be from our own point of view.

**Resolutions**

The following resolutions were passed :—

(a) In view of the exclusion of representatives of the States' People from all the Round Table Conferences, the Conference registers its opinion that the White Paper embodies conclusions which can never be acceptable to them. All rights and privileges that are proposed for the States are to be conferred upon the Princes and their nominees.

(b) No scheme of Federation can be entertained by the States' people which does not provide for popular election in matters of choosing the States' representatives in Federal Legislature. For a limited period to be specified in the Constitution Act, the method of selection of representatives for the House of Assembly may be by indirect election, and for the Council of State by nomination, but after the transitional period, the members of the Assembly must be chosen by direct election and these of the Council of State by indirect election.

(c) The new Constitution should guarantee the elementary rights of citizenship to the people of the States, it being open to them to seek redress from the infringement of those rights from the Federal Court.

(d) The States entering the Federation should not be permitted to reserve for local management any subjects mentioned in the list of Federal subjects. One of the subjects which should be federalised is Civil and Criminal Law.

(e) Residuary jurisdiction should be vested in the Federal Government and in the Provinces.

(f) A special procedure for amending the Constitution may be provided, but when the amendments are passed by a requisite majority in the Federal Legislature, they should automatically come into force without separate ratifications either by the Federating States or by the British Indian Provinces. Enlargement of the list of Federal subjects and the method of selection of representatives of States to the Federal Legislature should be particularly specified as fit subjects for amendment.

(g) Federal laws should not require to be adopted by the States for being enforced in the States : but should be made applicable automatically as in British India.

(h) The Federal Government should deal individually with each federating special unit and should not be required to deal with a Confederation of States.

(i) Paramountcy must continue to be vested as now in the Governor-General-in-Council. The occasion for the exercise of Paramountcy rights may, if possible, be specified, and cases of gross mis-government in the States should be investigated before being dealt with by the Paramount Power. The investigation should be carried on by the independent body in which no Ruler and no official serving in the State should have a place.

(j) The Conference makes a special appeal to the British Indian leaders of all parties to reject the constitution if it does not satisfy the above demands of the States' people, and particularly, if it does not provide for genuine popular election of States' representatives and declaration of rights for them.

**STATES' PEOPLE'S CONFERENCE ON WHITE PAPER**

The following resolutions were passed at a meeting of the executive committee of the Indian States' People's Conference held at Bombay on the 30th April, Mr. Govindlal Shivalal Pitty presiding :—

(1) This meeting enters its emphatic protest against the exclusion of the representatives of the States' people from all the Round Table Conferences and the Indian Committee sitting with the Joint Select Committee and registers its opinion that the White Paper which embodies the conclusions of these conferences cannot be acceptable to them since their position has been deliberately ignored throughout, and all the rights and privileges that are proposed for the States are reserved for and are vested in the princes and their nominees.

(2) No scheme of Federation can be entertained by the States' people which does not provide for popular election in the matter of choosing the States' representatives to the federal legislatures and which does not satisfy the following demands of the States' people :—

(a) The new constitution should guarantee fundamental rights and federal citizenship to the people of the States, it being open to them to seek redress from infringement of these rights from the federal court.

(b) The States entering the Federation should not be permitted to reserve for local management any subjects mentioned in the list of federal subjects. (But the list itself needs further expansion, one of the subjects which should be federalised being civil and criminal law).

(c) The residuary jurisdiction of the constitution should vest in the federal Government.

(d) A special procedure for amending the constitution may be provided; but when amendments are passed by a requisite majority in the federal legislature they should automatically come into force without separate ratification by the federating units.

(e) Federal laws should not require ratification by the States for taking effect in the federating States but come into force automatically as in British India.

(f) The federal government should deal individually with each federating State unit and should not be required to deal with a confederation of States.

Paramountcy may continue to be vested as now in the Governor-General in Council for a transitional period, after the expiry of which it should vest in the Federal Government. The policy of the exercise of paramountcy rights and obligations should be clearly defined, codified and published.

(h) No safeguards which are not demonstrably in the interests of India should be provided for in the constitution.

(3) This meeting makes a special appeal to British Indian leaders to make every effort to get the above demands of the States' people embodied in the new constitution.

(4) This committee considers it necessary to hold an All-India States' People's Convention as early as possible for the purpose of giving an effective voice to the States' people's demands and authorises the working committee to decide the time and place after consulting the various organisations of the State's people.

## THE MYSORE PEOPLE'S PARTY CONFERENCE

The Third Session of the Mysore People's Party Conference was held at the Krishna Cinema Hall, Tumkur on the 19th. March 1933. Dewan Bahadur B. Muniswami Naidu, B. A., B. L. M. L. C., Ex-Chief Minister of the Madras Government opened the Conference. There was a large gathering of States' Subjects, among whom were: Messrs. Belur Srinivasa Iyengar, S. K. Venkatarangam, S. Venkatapathaiya, K. T. Bashyam, C. N. Narasinga Rao, Advocates, and Messrs. K. Chengalraya Reddy, D. S. Mallappa, K. Ranga Iyengar.

*Mr. D. S. Mallappa*, Chairman of the Reception Committee then welcomed the delegates and visitors. In the course of his speech he said:

Friends, though the problems of the British Indian Provinces are fundamentally different from those of the Native States, yet there are some vital points of contact. In fact the solution of the political future of India has been very much complicated by the problems of the Native States.

You are all aware of the work done in the past Round Table Conferences, Statesmen of acknowledged ability have clearly expressed that without the cooperation of the representatives of the Native States, it would be well-nigh impossible to arrive at a satisfactory conclusion on all the issues that have now been raised. On the one hand the representatives of the All-India States' People's Party as also those of British India have unanimously declared that the Native States should be subject in their administration to the Federal Government which is now to be evolved. On the other hand, in opposition to this view, representatives from some of the States hold the opinion that the Native States' ought to be subjected to the control of the Crown acting through the Viceroy in India. It is for you, gentlemen, to decide which view best advances the interests of the people of the Native States. It is a matter for congratulation that our own State has given a very commendable lead in being the first to express its willingness to enter into the Federation scheme. The most important matter to which I would invite your attention is with regard to the safeguarding of the fundamental rights of the subjects of the Native States in the



same manner in which those of the subjects of British India will be safeguarded in the coming constitution. Neither the Princes nor the British Government have so far expressed any favourable views on this important matter. And not a single chapter has been devoted in the published literature to a discussion of this very important subject. Would it not be graceful if the representatives of the Native States who have been boasting of their endeavours to help the people of British India in their fight for political freedom accord some degree of independence to their own subjects first? I request this Conference to apply its mind to a consideration of these important subjects.

In the present state of things some of the other matters which are wellworth consideration are these. The representatives of the Native States to the Federal legislative bodies ought to be those elected from the people of the States. The fundamental rights of the Native States' subjects should be recognised and incorporated in the statute constituting the Federal Government. In all disputes relating to the administration of the Federal Government the final appeal should lie to the supreme court in India which should also be the highest Court of appeal even for States' subjects. The Federal Cabinet should reserve some seats to the elected representatives of the Native States' people. And more than all the effect of the White Paper on the people of the Native States which has just been published has got to be considered by our Party.

It may be true that the political issues of British India are different from those of the Native States in some respect. Yet the struggle for political freedom and the fight for political salvation of British India have stirred the consciousness of the peoples of India. A dynamic power hitherto unfelt has electrified the life of the masses. Even the subjects of India have developed an eagerness for the recognition of their rights and privileges and are set thinking about their political freedom.

Gentlemen, you know our party is not older than three years. Though young in age it has achieved results that would make the old blush. The work, disinterested and unselfish, that it has done both in the legislative bodies and the country has attracted the attention of all. Nourished by your kindness, blessed by your wishes, this political child has gained in strength and intellectual ability and has been showing unmistakable potentialities of its future greatness. I request you to continue to evince the same interest in the party so that its life of usefulness in the political arena of the country may continue well and long.

The one panacea for all political ills, the one celestial drink that will bring to life and stir to activity the dead life of the masses in the country is the establishment of Responsible Government. Without in the least affecting the bond of love and loyalty that now exists between our benign ruler and we the subjects, our aim is to establish a Government responsible to the legislature by all peaceful, legal and constitutional means under the aegis of His Highness as early as possible. It is for the realisation of this grand and noble idea that I request you to fight with unanimity and strength of will and purpose. We shall not be satisfied with small doses of favour and forget our duty; we shall not lose courage and give up hope by difficulties and dangers that may beset us; we shall treat with equanimity and unruffled mind gains or losses, happiness or sorrow whatever it may be; we shall purify politics with purer atmosphere of religion; we shall sacrifice all ideas of self and always keep the sense of duty and service in view. We will pray God to bless us with courage and to lead us in the light of truth.

#### Mr. Munuswami Naidu's opening speech

*Dewan Bahadur Munuswami Naidu*, in declaring the conference open said :

We are on the eve of great Constitutional Reforms. Three Round Table Conferences have been held to hammer out a constitution which will unite all India—British India and the Indian India—and place it on the road to Dominion Status. The White Paper has been published only yesterday.

It is but natural that you, as people of the Mysore State, should take stock of the situation and realise what your position, along with other State People, will be under the new constitution. The States form nearly one half of the area and account for nearly one-fourth of the population of India, excluding Burma.

The form of the constitutional structure outlined so far will be as follows : "(a) that the Act will declare that executive power and authority (as in the United Kingdom and the Dominions) vests in the Crown represented in the Federation by Governor-General and in the Provinces by the Governor : (b) that nevertheless,

except in so far as is otherwise provided, (whether such provision be in the Act or in the Instrument of Instructions) the Governor-General and Governors will be guided by the advice of their respective Ministers ; and the Executive will depend for its legislative enactments and for its supply upon the concurrence in its proposals of the Legislature."

The Government will be a Federation of the provinces in British India and the Indian States as its units. The province in British India will be autonomous, enjoying full responsible Government. But the States have widely varying politics and different degrees of internal sovereignty.

The legislative organ of the Indian Federation will consist of two chambers, which will be empowered to deal with the whole range of activities of the Federation, both those which affect British India only and those which affect all the Federal territory. In the Lower or the Popular House, it is proposed to allot one-third of the seats to the States and in the Upper House about 40 per cent. The British India Provinces will send the other representatives. The selection of British Indian representatives to the Lower Chamber will be by direct election by the people of the provinces and to the Upper Chamber by election by the Provincial Legislatures by the single transferable vote. The representatives of the States will, on the other hand, be nominees of the Governments of the States in both the Chambers. The people of the States, as such, will have no right to elect their representatives to either Chamber.

As already stated, the Federal Legislature will be supreme. It can pass laws affecting the subjects in the Provinces and States, it can sanction levy of taxation in the Provinces and States and it can authorise expenditure out of the taxes so raised for federal purposes. The ministry will be responsible to the Legislature and can continue to function only so long as they command its confidence.

The above picture will reveal that no consideration is paid to the people of the States as such. They have no voice in the Legislature, they have no hand in selecting the representatives ; they will have to submit to taxation without representation and the federal income may be spent without their consent. The Ministry will be responsible not to the representatives of the people but to the representatives of the Rulers of the States. In fact in no sense could the federal Government be said to be either representative or responsible to the people of the States. The talk of responsibility at the centre has resulted only in responsibility to the Rulers of the State and not to the people of the States. The future Federal Government is in so far as the States are concerned, neither popular nor responsible but is merely a continuation of the present system of Government by the Rulers, with all their disadvantages intensified.

It is unfortunate that throughout these negotiations and discussion at the Round Table Conference or elsewhere, the rights of the people of the States were entirely ignored and there was no representative to press their case. Our thanks are due to Diwan Bahadur M. Ramachandra Rao, Messrs. N. C. Kelkar and N. M. Joshi and the efforts they made to put the case of the States' people before the Round Table Conferences but those representations seem not to have been even considered by the powers that be.

In the speeches delivered before the close of the Third Round Table Conference, Sir T. B. Saprú asked : "Now, Secretary of State ! However good the constitution may be, ultimately the question which arises is : Is the constitution going to be acceptable to the people of India" ? It is for you, the people of Indian India, to give the answer and I have no doubt the answer is big and emphatic "No". The constitution cannot be acceptable to the People of the States, unless they are given the right to select their own representatives to the Lower Chamber.

It seems to me anomalous to think of a ministry responsible to the Federal Legislature, when one-third of the members of the Lower House are not elected on a popular basis but are nominated by the Princes. Can any responsible ministry function when it has to depend for its continuance upon the confidence of this bloc of nominated members, who were not returned on any mandate except the pleasure of the Princes. The Lower Chamber will consist of members, two-thirds of them elected on a wide and democratic basis with definite pledges by them and with definite mandates from the people of the provinces and, one-third will be nominees of the Princes. No stable political party can be formed, which can take up the position of a responsible ministry. The ministry will be at the mercy of this nominated bloc and will consist of leaders of groups and not of any one single party which



has detained the country's verdict in its favour at the polls. I am afraid the constitution does not provide for growth of healthy political parties, such as are necessary for working a democratic or dominion constitution.

I leave it to you, ladies and gentlemen, to consider your position carefully in the future constitution and to deliberate on what steps you will take to remedy the defect. I am sure you have other matters more important and more closely connected with the internal administration of your State. You are naturally anxious to have popular and responsible Government established in your State as quickly as possible.

You have as the Ruler of your State His Highness the Maharaja whose genuine love and sympathy for his subjects are well-known. And I have no doubt that if you organise yourself well and carry on constitutional agitation for the speedy establishment of full responsible Government within your State, you will meet with success. And I trust and hope that your able and distinguished Dewan, Sir Mirza Ismail, will advise His Highness the Maharaja to give you, the people of this State, the right to choose your representatives to the future Federal Legislature.

### The Presidential Address

*Mr. P. Subbarama Chetty*, President-elect of the conference delivered his address in Kannada, the summary of which was as follows :—

Mr. Subbarama Chetti observed at the outset that the grant of further reform in the States was long overdue. His Highness the Maharaja granted reforms 10 years ago and it was time, he pointed out that a second instalment of reforms was announced by His Highness. Responsible Government should be declared as the goal of the administration. In this instalment of reforms, the following should form the salient features :—(1) declaration of the fundamental rights of citizenship ; (2) the establishment of a High Court by Statute and the separation of the judiciary from the executive ; (3) provision of only one legislature in the State instead of two as at present. This Legislative Council should consist of about 100 members, with an elected non-official majority ; (4) the power of electing one member to the Executive Council by this body, and (5) the power of the Council to elect its own President. This instalment of reforms should be worked out for a period of 3 years after which another instalment of reform should be granted, when it should be made possible for the members of the Legislative Council to return two or three members of the Executive Council. The final instalment of reforms should confer on the chosen representatives of the people the right to elect the three members of the Executive Council, who would be responsible to the Legislature and hold office, as long as they enjoyed the confidence of the majority of the House. The Council should also have the power of passing the budget.

Proceeding, Mr. Chetti referred to the coming reforms and paid a tribute to the services rendered by Sir Mirza M. Ismail, the popular Dewan of Mysore in the cause of Indian Federation. At the first and second Round Table Conferences, Sir Mirza had expressed Mysore's willingness to join the Federation. The speaker was firmly of opinion that the economic development of the States could take place only if they joined the Federation. Sir Mirza M. Ismail, had rendered signal service to the State by urging on the authorities concerned, the injustice done to the Mysore State by the continuance of the levy of the subsidy and had made out a good case for its total abolition. The Davidson Committee recommended the reduction of the subsidy only to the extent of 7 lakhs. This was rather unfortunate. Once the States joined the Federation, the speaker did not see any justification for the continuance of this subsidy. Mr. Chetty added also a word of praise to Sir Mirza M. Ismail, for his attempt to get the retrocession of the Civil and Military Station of Bangalore to Mysore Durbar. For these signal services, the people of the State, nay, the people of the whole of Indian India, were indebted to him.

Referring to the People's Party in Mysore, Mr. Subbarama Chetti said that the creed of the party was to attain by all peaceful and constitutional means, Responsible Government in the Mysore State, adequate representation of all communities and interests in the Government services and also in public bodies in the State. But unfortunately the rules of the party, as at present framed, did not justify their being called the People's Party. It excluded one particular section i.e., the Brahmin community. This exclusion of the Brahmins from the party, it seemed to the speaker, was not justifiable. The several organisations in India were trying to counteract the evil effects of communal organisations. The speaker would therefore



urge the Conference to take up this question seriously and decide in favour of admitting Brahmins into the party.

Since the second conference of the People's Party in Mysore, several important subjects, Mr. Chetti continued, had come up for consideration before the representative Assembly and the Legislative Council. He would like to make reference to a few of them. The first was the introduction of the methods of proportional representation for elections to the legislature. This method of election, so far as he knew, was not adopted in any part of India, except in regard to elections to the Council of State and also in regard to the elections to the Madras University from a particular constituency. Even in such advanced countries as England and other European countries, the speaker was told, such a system of election did not prevail. Personally, he was not in favour of the decision taken by Government. Such a method of election set up one community against another in the State and the Government would really be doing a disservice to the people of the State.

Dealing with the Municipal Regulations next, Mr. Chetti said that all the three regulations came up before the Legislative Council and were referred to select committees for detailed consideration. The select committee accepted the amendments of Government and made some changes here and there. Even in the amended Regulation, the nominated element was allowed to continue. The executive powers, even in premier cities, were allowed to be vested in the Commissioner and in most of the important matters, there was no right of appeal against the orders of the Municipal Commissioner. The Deputy Commissioner still continued to be something like a supreme authority over the Municipal Council. He would sit in judgment over the resolutions of the Municipal Council, and he could even go to the extent of ordering the suspension of the resolutions, in case he thought these resolutions were unlawful or were likely to lead to a breach of the peace and public tranquillity. The vesting of such extraordinary powers in the Deputy Commissioner, was most humiliating to the Municipal Council. The Municipal Regulations as passed by the Council did not, in his opinion, give a liberal measure of self-government in the Municipalities.

Mr. Chetti next referred to the appointment of the Chief Justice of the Mysore High Court and expressed pleasure that for the first time, a Mysorean, Mr. Justice P. Mahadevayya, had been elevated to this high office. There was a persistent rumour to the effect that Government were thinking of importing an outsider in the office. He would request the Government to confirm Mr. Mahadevayya in his appointment and thereby give encouragement to local talent.

Proceeding, the speaker dealt with the problem of untouchability. There was an awakening in the whole country, he said as had never been witnessed before in regard to the removal of untouchability. There was a thorough change in the mentality of the people all over the country. The most orthodox Sanatanists, like Pandit Madan Mohan Malaviyaji, had thrown open their temples for Harijans. During the last session of the Legislative Council, some of the non-officials moved a resolution recommending to Government to throw open all Muzrai institutions to the Harijans. While sympathising with the spirit of the resolution, the Government members took up a neutral attitude. The resolution was unanimously passed. It was up to the conference to urge on the Government to give effect to the resolution immediately. Some of the members of the Legislative Council were considering the desirability of introducing a bill, similar to that of Mr. C. S. Ranga Aiyar in the Assembly to legalise temple entry by the Harijans. The speaker hoped that the bill when introduced would have much support from the people. While speaking on this question of the removal of untouchability, the speaker would like also to advise his Harijan brethren. The question of untouchability would be solved to a great extent, if they led a pure life and cast off their dirty habits.

Speaking next about the economic condition of the people in the State, Mr. Subbarama Chetti said that the ryots were very much hard pressed and were unable to make both ends meet. It was the duty of the Government to come to the rescue of the ryot at this critical juncture. Land revenue tax had to be reduced. In order to meet the deficit which might accrue by such a remission of land revenue, the Government should resort to a further cut in the salaries of the officers. When he said this he did not want the ill-paid officers of the Government to suffer. The salaries of officers who were drawing more than Rs. 50 could be reduced. The Madras Government had recently introduced a new scale of provincial salaries. The speaker desired that some such system should be established in Mysore also.

So far as industries were concerned, he was of the opinion that Indian industry would prosper only if the financial policy of the Government of India underwent a thorough change. The poverty of the country was due to a policy of free trade adopted by the Government, giving encouragement to foreign manufacturers. The only solution for the economic development of India, lay in the political emancipation of the people of India.

In conclusion, Mr. Chetti referred to the position of the subjects of Indian States in the coming Federation. This subject had been discussed and resolutions passed at the South Indian States People's Conference and also at the All-India States Subjects' Conference. The most important thing was that there should be adequate representation of the Indian States people in the Federal Legislature, and also in the Federal Executive. So far as the Supreme Court was concerned, the Indian States people should have the power to approach this court in cases the fundamental rights of citizenship were interfered with. The speaker would even go to the extent of saying that there should be an appeal to the Supreme Court against the orders of the High Court in the States.

### Mr. C.R. Reddi's Message

Regretting his inability to attend the Conference, *Mr. C. R. Reddi* in the course of his message to the Conference said :

I would like to know your standing and political principles. No use quoting dear old Basavayya and my ancient self. Our policies were not wooden dogmas but principles adapted to particular circumstances and problems and intended to be changed with changing times and aspirations. We certainly were for full responsible Government and we know that when that came, communalism in services would have to be abandoned. At present the bureaucracy is both Government and administration and, so long as it continues to be Government we must fight for communal representation. But it would be reversing the order of things to make communalism a prop and support of bureaucracy which is exactly what has happened in Mysore and also in Madras. With a democratic franchise both Local and State Governments and Legislatures will be predominantly popular, or if you prefer it, Non-Brahmin in composition and character. They will settle the policies and direction of affairs. Administration will then become a technical agency and there should be no communal representation in technical agencies,—whether medical engineering or revenue or judicial. The people should be the drivers of the coach, and you must have the best horses yoked if you want to go ahead at full speed.

This policy will unite all classes for the fight for Responsible Government and it is in accordance with world precedents and conditions of success. Political availability will determine Government and legislatures, and technical efficiency the administrative departments.

Our failure, and worse than that, traitorism to country and national liberty, is due to a sad misunderstanding of logical correlations if not also to want of patriotic character. A regiment should be efficient, not for fighting other regiments in the army, but to make the whole army a more powerful force and to secure honour and glory in the common fight and service.

Remember communalism can affect and afflict only Government services. It cannot invade the sphere of taxes, property rights, trade, industry etc, which severally and together are of far greater consequences than all the offices and their salaries put together. And for the sake of the part, we have been sacrificing the whole.

If we are, as we contend, ninety-nine per cent of the population then why should we shy at responsible government and keep aloof from the great fight for it, while vociferously demanding a distribution of the harvest to ourselves, without doing anything to till, sow or reap. If ninety-nine per cent of the population became political drones, is it possible to gather any honey? Of course not, which is exactly the sorry and ludicrous state of things in the country.

When Basavayya and myself started and let the agitation in Mysore, it was with reference to the bureaucratic regime. Had Responsible Government been a matter of practical politics then, we should have made a democratic franchise, single member constituencies, abolition of nominated seats, and Government responsible to such a popular Legislature, the chief planks of our platform and not bothered about the services or other technical agents of the Government. In such conditions, membership of an important committee would be more valuable than a Deputy Commissioner-ship. For the Committee could make its views felt and prevail by appealing to the



Legislature which the Government is bound to obey or get out. The moral influence of committees would be decisive, because they will have a material medium of operation. At present, the committees are of very little use; they are only advisory bodies; not even advisory, but beggars and supplicants beseeching for the acceptance of their recommendations. The final decisions rest with an irresponsible bureaucracy. And I often wonder whether membership of such important committees, which poor old Balasundaram Aiyar used to characterise as a position of respectability without responsibility, is consistent even with self-respect, though I know that the competition for them is very keen and our small men feel wondrous inflated under the pomp of such membership.

But let me warn you. The fight for rights will easily degenerate into a squabble for positions, unless the spirit of service and inexorable judgment on merits prevails more widely than seems to be the case at present. If Vakkaligrams vote for or support a Vokkaligar merely because he is a Vokkaligar, without reference to his ability or character, the representative so chosen can have no motive for doing the right or refraining from wrong since he is always sure of such irrational support. Blood no doubt is thicker than water but surely it ought not to be thicker than duty and citizenship. And if you can't be citizens, honest and courageous, well, you won't get self-government—that is that; but if by an unlucky change you do get it, it will stifle you to death by its stinking and pestilential atmosphere.

The objective of Basavayya and myself has always been the same; Government of the masses by the masses, for the masses. Under the bureaucratic forms of Government, this can never be achieved. But communal representation in services will do something to mitigate the evil. It is a mitigation and not a cure, because even then a man like Basavayya himself can't be a member of the Government and even if he is appointed, he will at once forsake his representative and responsible character. May be, more Non-Brahmins will be taken into Government service; but by the time they reach the directive positions they will have ceased to be men and become machines. So communal representation in service is no remedy and at least a very poor one for the evil of irresponsible Government which is the thing most harmful materially and morally to the people. The cry for a non-official member of Government is a big hoax which none but idiots will accept as even a partial solution of the problem. Before appointment, everybody is a non-official, and so all appointments are appointments of non-officials. The criterion is, will he or will he not be an irresponsible official after appointment to the Government. If he is going to be an irresponsible official, that is no solution of the problem in any sense whatever. But if he is going to be responsible to the Legislature, then it is a different and better matter, provided he is made responsible either to an elected legislature or in the present mix-up of things to the elected elements in the Legislature. So, for heaven's sake, don't plead for the creation of more irresponsible jobs. We have enough and to spare already.

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